

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., HTC CORPORATION, AND HTC AMERICA, INC.,

Petitioner,

v.

INVT SPE LLC,  
Patent Owner.

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IPR2018-01555<sup>1</sup> and IPR2018-01581<sup>2</sup>  
Patent 7,848,439 B2<sup>3</sup>

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Before THU A. DANG, KEVIN F. TURNER, and  
BARBARA A. BENOIT, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motions for *Pro Hac Vice* Admission of  
Ms. Mary Pheng and Mr. John K. Harting  
*37 C.F.R. § 42.10*

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<sup>1</sup> Apple Inc., who filed a petition in IPR2018-00958, has been joined as a petitioner in IPR2018-01555. Paper 15.

<sup>2</sup> Apple Inc., who filed a petition in IPR2018-00959, has been joined as a petitioner in IPR2018-01581. Paper 13.

<sup>3</sup> This Order addresses issues that are the same in each identified case. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

Patent Owner filed motions for *pro hac vice* admission of Ms. Mary Pheng and Mr. John K. Harting. Paper 20, 22.<sup>4</sup> The motions were accompanied by declarations from Ms. Pheng (Paper 23) and Mr. Harting (Paper 21) in support of the motions.<sup>5</sup> Patent Owner did not indicate whether its motions were unopposed, but Petitioner has not filed opposition within the seven-day period following the filing of the motions. 37 C.F.R. § 42.25.

Having reviewed the motions and declarations, we conclude that Ms. Pheng and Mr. Harting have sufficient qualifications to represent Patent Owner in these proceedings, and that Patent Owner has shown good cause for *pro hac vice* admission of Ms. Pheng and Mr. Harting. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (setting forth the requirements for *pro hac vice* admission) (Paper 7). Ms. Pheng and Mr. Harting will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed mandatory notices including Ms. Pheng and Mr. Harting in accordance with 37 C.F.R. § 42.8(b)(3), and a Power of Attorney including Ms. Pheng and Mr. Harting in accordance with 37 C.F.R. § 42.10(b). Papers 6, 18.

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<sup>4</sup> Paper and Exhibit numbers refer to IPR2018-01555. Similar papers were filed in IPR2018-01581.

<sup>5</sup> Patent Owner filed the Declarations as Papers. We deem this harmless error. However, Patent Owner is reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

ORDER

It is:

ORDERED that Patent Owner's motions for *pro hac vice* admission of Ms. Mary Pheng and Mr. John K. Harting are *granted*, and Ms. Pheng and Mr. Harting are authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Ms. Pheng and Mr. Harting are to comply the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the July 2019 Update (84 Fed. Reg. 33,925 (July 16, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Ms. Pheng and Mr. Harting are subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

IPR2018-01555 and IPR2018-01581  
Patent 7,848,439 B2

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