

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

SAINT REGIS MOHAWK TRIBE,
Patent Owner.

Case IPR2018-01594 (Patent 6,434,687 B1)
Case IPR2018-01599 (Patent 6,076,152)
Case IPR2018-01600 (Patent 6,247,110 B1)
Cases IPR2018-01601, IPR2018-01602, and IPR2018-01603
(Patent 7,225,324 B2)
Case IPR2018-01604 (Patent 7,421,524 B2)
Cases IPR2018-01605, IPR2018-01606, and IPR2018-01607
(Patent 7,620,800 B2)¹

Before KALYAN K. DESHPANDE, JUSTIN T. ARBES, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

DECISION
*Motions for Pro Hac Vice Admission of
Christopher L. Evans
37 C.F.R. § 42.10*

¹ This Decision addresses an issue pertaining to all ten cases. Therefore, we exercise our discretion to issue a single Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2018-01594 (Patent 6,434,687 B1)
IPR2018-01599 (Patent 6,076,152)
IPR2018-01600 (Patent 6,247,110 B2)
IPR2018-01601, IPR2018-01602, IPR2018-01603 (Patent 7,225,324 B2)
IPR2018-01604 (Patent 7,421,524 B2)
IPR2018-01605, IPR2018-01606, IPR2018-01607 (Patent 7,620,800 B2)

Patent Owner filed a motion for *Pro Hac Vice* Admission of Christopher L. Evans (Paper 17, “Motions”)² as well as a supporting declaration from Mr. Evans (Paper 18, “Declarations”) in each of the above-identified proceedings.^{3, 4, 5}

Petitioner has not opposed Patent Owner’s Motions.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in the proceeding. See Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*,

² Our citations are to IPR2018-01594. Similar documents were filed in IPR2018-01599, IPR2018-01600, IPR2018-01601, IPR2018-01602, IPR2018-01603, IPR2016-01604, IPR2018-01605, IPR2018-01606, and IPR2018-01607.

³ Patent Owner filed the Declarations as papers instead of as exhibits. We determine this to be a harmless error. The parties are 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.”).

⁴ The Declarations contain a typographical error in Paragraph 5, incorrectly listing Patent 7,762,800 as the patent at issue, instead of Patent 7,620,800. We deem this to be harmless error, as the correct patent number (7,620,800) is listed on the cover sheet of the Declarations in the respective proceedings. See, e.g., IPR2018-01605, Paper 18, 1.

⁵ Patent Owner’s Motions and Mr. Evan’s Declarations do not identify Patent 7,421,524 B2, the subject of IPR2018-01604, as a patent Mr. Evans has familiarity with. Motions ¶ 4; Declarations ¶ 5. We consider this to be an inadvertent omission, and understand Mr. Evans to be familiar with Patent 7,421,524 B2.

IPR2018-01594 (Patent 6,434,687 B1)
IPR2018-01599 (Patent 6,076,152)
IPR2018-01600 (Patent 6,247,110 B2)
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IPR2018-01604 (Patent 7,421,524 B2)
IPR2018-01605, IPR2018-01606, IPR2018-01607 (Patent 7,620,800 B2)

Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Having reviewed the Motions and supporting Declarations, good cause exists for granting admission *pro hac vice* to Mr. Evans in the above proceedings.

Accordingly, it is:

ORDERED that Patent Owner’s Motions seeking admission *Pro Hac Vice* for Christopher L. Evans are GRANTED;

FURTHER ORDERED that Patent Owner shall submit, within ten (10) business days of the date of this Decision, a Power of Attorney for Mr. Evans in each of the above proceedings accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner shall submit an updated mandatory notice identifying Mr. Evans as back-up counsel in each of the above proceedings, in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Evans is to comply with the Board’s Rules of Practice for Trials set forth in Part 42 of Title 37, Code of Federal Regulations and the Office Patent Trial Practice Guide including the August 2018 update;

FURTHER ORDERED that Mr. Evans is subject to the USPTO’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a); and

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner represent it as lead counsel in the above proceedings; and Mr. Evans is authorized to represent Patent Owner as back-up counsel only in the proceedings.

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