

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

DIRECTSTREAM, LLC,
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)
Case IPR2018-01601 (Patent 7,225,324 B2)¹
Case IPR2018-01604 (Patent 7,421,524 B2)
Case IPR2018-01605 (Patent 7,620,800 B2)^{2,3}

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

DESHPANDE, *Administrative Patent Judge*.

DECISION
*Motions for Pro Hac Vice Admission of
G. Donald Puckett
37 C.F.R. § 42.10*

¹ IPR2018-01602 and IPR2018-01603 have been consolidated with IPR2018-01601.

² IPR2018-01606 and IPR2018-01607 have been consolidated with IPR2018-01605.

³ 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 (Patent 7,225,324 B2)
IPR2018-01604 (Patent 7,421,524 B2)
IPR2018-01605 (Patent 7,620,800 B2)

Patent Owner filed a motion for *Pro Hac Vice* Admission of G. Donald Puckett (Paper 28, “Motions”)⁴ as well as a supporting declaration from Mr. Puckett (Ex. 2047, “Declarations”) in each of the above-identified proceedings.^{5,6} Petitioner informed the Board via email that it does not oppose 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*, 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. Puckett in the above proceedings.

⁴ Our citations are to IPR2018-01594. Similar documents were filed in IPR2018-01599, IPR2018-01600, IPR2018-01601, IPR2016-01604, and IPR2018-01605.

⁵ The Declarations contain a typographical error in Paragraph 6, 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, Ex. 2062 ¶ 6.

⁶ Patent Owner inadvertently filed the Motions for the *Pro Hac Vice* Admission of G. Donald Puckett as Exhibits. *See, e.g.*, IPR2018-01594, Ex. 2046. Patent Owner subsequently filed the Motions as papers. *See* Paper 28. Accordingly, Patent Owner’s Motions filed as Exhibits will be expunged.

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

Accordingly, it is:

ORDERED that Patent Owner's Motions seeking admission *Pro Hac Vice* for G. Donald Puckett 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. Puckett 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. Puckett 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. Puckett 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. Puckett 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);

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

FURTHER ORDERED that Exhibit 2046 of IPR2018-01594, Exhibit 2059 of IPR2018-01599, Exhibit 2059 of IPR2018-01600, Exhibit 2062 of IPR2018-

IPR2018-01594 (Patent 6,434,687 B1)

IPR2018-01599 (Patent 6,076,152)

IPR2018-01600 (Patent 6,247,110 B2)

IPR2018-01601 (Patent 7,225,324 B2)

IPR2018-01604 (Patent 7,421,524 B2)

IPR2018-01605 (Patent 7,620,800 B2)

01601, Exhibit 2057 of IPR2018-01604, and Exhibit 2061 of IPR2018-01605 are expunged.

IPR2018-01594 (Patent 6,434,687 B1)

IPR2018-01599 (Patent 6,076,152)

IPR2018-01600 (Patent 6,247,110 B2)

IPR2018-01601 (Patent 7,225,324 B2)

IPR2018-01604 (Patent 7,421,524 B2)

IPR2018-01605 (Patent 7,620,800 B2)

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