

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUEST TEK INTERACTIVE ENTERTAINMENT LTD.,
Petitioner,

v.

NOMADIX, INC.,
Patent Owner.

Case IPR2019-00211 (Patent 7,953,857 B2)
Case IPR2019-00253 (Patent 8,626,922 B2)¹

Before SALLY C. MEDLEY, DANIEL J. GALLIGAN, and
JASON W. MELVIN, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of Payson LeMeilleur and Kendall M. Loebbaka
37 C.F.R. § 42.10

¹ This Order is being entered in each of the above-identified proceedings.
The proceedings have not been consolidated and the parties are not
authorized to use a consolidated caption.

Patent Owner filed motions in the above-captioned proceedings, requesting *pro hac vice* admission of Payson LeMeilleur (Paper 11) and Kendall M. Loebbaka (Paper 12).² The motions are supported, respectively, by declarations of Mr. LeMeilleur (Ex. 2002) and Ms. Loebbaka (Ex. 2003). Patent Owner attests that Petitioner does not oppose the motions. Paper 11, 1; Paper 12, 1.

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 4, 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”)).

Based on the facts set forth in the motions and accompanying declarations, we conclude that Mr. LeMeilleur and Ms. Loebbaka have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. LeMeilleur and Ms. Loebbaka each has demonstrated sufficient familiarity with the subject matter of these proceedings, and that there is a need for Patent Owner to be represented by

² For purposes of expediency, we refer to papers and exhibits filed in IPR2019-00211. Patent Owner filed similar motions for Mr. LeMeilleur (Paper 11) and Ms. Loebbaka (Paper 12) and declarations of Mr. LeMeilleur (Ex. 2002) and Ms. Loebbaka (Ex. 2003) in IPR2019-00253.

counsel with litigation experience. *See* Ex. 2002 ¶¶ 2–5; Ex. 2003 ¶¶ 2–5.³ Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. LeMeilleur and Ms. Loebbaka. Mr. LeMeilleur and Ms. Loebbaka will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s Motions for *Pro Hac Vice* admission of Payson LeMeilleur and Kendall M. Loebbaka are *granted*;

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner represent it as lead counsel for the instant proceedings, but that Mr. LeMeilleur and Ms. Loebbaka are each authorized to act as back-up counsel;

FURTHER ORDERED that Patent Owner must file, within ten (10) business days, a Power of Attorney for Mr. LeMeilleur and Ms. Loebbaka in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file, within ten (10) business days, updated mandatory notices identifying Mr. LeMeilleur and Ms. Loebbaka as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. LeMeilleur shall comply with the Office Patent Trial Practice Guide, including the August 2018 Update (83 Fed. Reg. 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

³ Mr. LeMeilleur and Ms. Loebbaka each declares that he or she will comply with part 42 of the C.F.R., rather than part 42 of 37 C.F.R. Ex. 2002 ¶ 10; Ex. 2003 ¶ 10. We deem this harmless error.

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forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. LeMeilleur shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*;

FURTHER ORDERED that Ms. Loebbaka shall comply with the Office Patent Trial Practice Guide, including the August 2018 Update (83 Fed. Reg. 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. Loebbaka shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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