

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 Motion for *Pro Hac Vice*
Admission of Mark Lezama
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 a motion in each of the above-captioned proceedings requesting *pro hac vice* admission of Mark Lezama. Paper 20.² The motion is supported by a declaration of Mr. Lezama. Ex. 2007. Patent Owner attests that Petitioner does not oppose the motion. Paper 20, 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 motion and accompanying declaration, we conclude that Mr. Lezama has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Lezama has demonstrated sufficient familiarity with the subject matter of these proceedings, and that there is a need for Patent Owner to be represented by counsel with litigation experience. *See* Ex. 2007 ¶¶ 2–5.^{3,4}

² All citations are to IPR2019-00211 unless otherwise noted. Patent Owner filed a similar motion and declaration in IPR2019-00253.

³ Mr. Lezama declares that he will comply with “part 42 of the C.F.R.,” rather than part 42 of 37 C.F.R. Ex. 2007 ¶ 10. We deem this harmless error.

⁴ Mr. Lezama declares that he agrees to be subject to the USPTO “Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.*,” rather than the USPTO “Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*” Ex. 2007 ¶ 11. We deem this harmless error.

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Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Lezama in these proceedings. Mr. Lezama 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 motion for *pro hac vice* admission of Mark Lezama is *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. Lezama is 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. Lezama 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. Lezama as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Lezama 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 Mr. Lezama 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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PETITIONER:

Jeffrey W. Lesovitz

Steven J. Rocci

Daniel J. Goettle

BAKER & HOSTETLER LLP

jlesovitz@bakerlaw.com

srocci@bakerlaw.com

dgoettle@bakerlaw.com

PATENT OWNER:

Douglas G. Muehlhauser

William H. Shreve

KNOBBE, MARTENS, OLSON & BEAR, LLP

2dgm@knobbe.com

2whs@knobbe.com

boxnomadix@knobbe.com