

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXIS COMMUNICATIONS AB,. CANON INC.,
and CANON U.S.A., INC.,
Petitioner,

v.

AVIGILON FORTRESS CORPORATION,
Patent Owner.

Cases IPR2019-00235, IPR2019-00236¹
Patent 7,868,912 B2

Before GEORGIANNA W. BRADEN, KIMBERLY McGRAW, and
JESSICA C. KAISER, *Administrative Patent Judges.*

McGRAW, *Administrative Patent Judge.*

ORDER

Pro Hac Vice Admissions of
Michael W. De Vries, Adam R. Alper, and Akshay S. Deoras
37 C.F.R. § 42.10(c)

¹ This Order addresses issues that are identical in both above-referenced proceedings. We issue a single order in these two proceedings for convenience. The parties, however, are not authorized to use this style heading.

I. DISCUSSION

Patent Owner Avigilon Fortress Corporation (“Avigilon”) filed a Motion pursuant to 37 C.F.R. § 42.10(c), for Michael W. De Vries, Mr. Adam R. Alper, and Mr. Akshay S. Deoras to appear *pro hac vice* on its behalf before the Patent Trial and Appeal Board in each of the above referenced proceedings. *See* Paper 8.² Petitioner did not file an opposition.

Pursuant to 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. Patent Owner’s lead counsel in each proceeding, Eugene Goryunov, is a registered practitioner. Paper 5, 1.

A motion for *pro hac vice* admission must also contain a statement of facts showing there is good cause for us to recognize counsel *pro hac vice* during the proceeding and be accompanied by an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, slip op. at 3–4 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission).

Avigilon asserts there is good cause for us to recognize Mr. De Vries *pro hac vice*. Paper 8, 2–5, 9–10. Avigilon’s assertions in this regard are supported by a Declaration of Mr. De Vries. Ex. 2001. In his declaration, Mr. De Vries states he has familiarity with the subject matter at issue in this proceeding. Ex. 2001 ¶ 5. In addition, Mr. De Vries’s Declaration complies

² For convenience, paper and exhibit numbers refer to IPR2019-00235; corresponding papers may be found in the record of IPR2019-00236.

with the other requirements for *pro hac vice* admission. *Id.* ¶¶ 1–13; *see Unified Patents*, slip op. at 3–4.

Avigilon further asserts there is good cause for us to recognize Mr. Alper *pro hac vice*. Paper 8, 5–7, 10. Avigilon’s assertions in this regard are supported by a Declaration of Mr. Alper. Ex. 2002. In his declaration, Mr. Alper states he has familiarity with the subject matter at issue in this proceeding. Ex. 2002 ¶ 4. In addition, Mr. Alper’s Declaration complies with the other requirements for *pro hac vice* admission. *Id.* ¶¶ 1– 12; *see Unified Patents*, slip op. at 3–4.

Finally, Avigilon asserts there is good cause for us to recognize Mr. Deoras *pro hac vice*. Paper 8, 7–11. Avigilon’s assertions in this regard are supported by a Declaration of Mr. Deoras. Ex. 2003. In his declaration, Mr. Deoras states he has familiarity with the subject matter at issue in this proceeding. Ex. 2003 ¶ 4. Mr. Deoras’s Declaration also complies with the other requirements for *pro hac vice* admission. *Id.* ¶¶ 1– 12; *see Unified Patents*, slip op. at 3–4.

After reviewing the motions and supporting Declarations, we determine that Mr. De Vries, Mr. Alper, and Mr. Deoras each have sufficient qualifications to represent Avigilon and that Avigilon has established good cause for their admission. Accordingly, Avigilon’s the Motions for *pro hac vice* admission of Mr. De Vries, Mr. Alper, and Mr. Deoras in each of the above referenced proceedings are *granted*.

II. ORDER

It is therefore ORDERED that Avigilon's unopposed motion for *pro hac vice* admission of Mr. Michael W. De Vries, Mr. Adam R. Alper, and Mr. Akshay S. Deoras to represent Avigilon in each of the above referenced proceedings is granted;

FURTHER ORDERED that Mr. De Vries, Mr. Alper, and Mr. Deoras are authorized to represent Avigilon as back-up counsel only in each of the above referenced proceedings;

FURTHER ORDERED that Avigilon is to continue to have a registered practitioner represent it as lead counsel in each of the above referenced proceedings;

FURTHER ORDERED that Mr. De Vries, Mr. Alper, and Mr. Deoras shall comply with the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. De Vries, Mr. Alper, and Mr. Deoras shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), as well as the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq.

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