

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FACEBOOK, INC., INSTAGRAM, LLC, and WHATSAPP INC.,  
Petitioner,

v.

BLACKBERRY LIMITED,  
Patent Owner.

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IPR2019-00516  
IPR2019-00528  
(Patent 8,279,173 B2)<sup>1</sup>

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Before SALLY C. MEDLEY, MIRIAM L. QUINN, and  
AARON W. MOORE, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER  
Granting Patent Owner's Motion for *Pro Hac Vice*  
Admission of Sam Stake  
*37 C.F.R. § 42.10*

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<sup>1</sup> This order is being filed in each proceeding listed in the caption. The parties may use this style heading only if the paper includes a statement certifying that the identical paper is being filed in each proceeding listed in the caption.

Patent Owner filed a Motion for *pro hac vice* admission of Sam Stake in each of the above-captioned proceedings. Paper 35 (“Motion” or “Mot.”).<sup>2</sup> Patent Owner also filed a Declaration of Mr. Stake in support of the Motion. Ex. 2013. Patent Owner represents that Petitioner does not oppose the Motion. Mot. 2.<sup>3</sup>

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. The Motion states that there is good cause for the Board to recognize Mr. Stake as counsel *pro hac vice* because Mr. Stake is an experienced litigation attorney with a significant amount of patent infringement litigation experience, and because Mr. Stake has established familiarity with the subject matter at issue in the instant proceedings. Mot. 2–3; *see also* Ex. 2013 ¶¶ 2, 8. The Motion also indicates that Patent Owner’s lead counsel, James M. Glass, is a registered practitioner. Mot. 2; *see also* Paper 33, 2.

Based on the facts stated in the Motion and averred in the Declaration, we conclude that Mr. Stake has sufficient qualifications to represent Patent Owner in the instant proceedings. The Motion is hereby granted, and Mr. Stake will be permitted to appear *pro hac vice* the instant proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

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<sup>2</sup> For purposes of expediency, we cite to the Motion and Declaration filed in IPR2019-00516, unless otherwise indicated.

<sup>3</sup> Patent Owner’s Motion does not include page numbers. For convenience, we refer herein to the pages of the Motion as if numbered consecutively beginning with the cover page as page 1.

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We note that Patent Owner filed a power of attorney for Mr. Stake. Paper 33. Additionally, Patent Owner's mandatory notices have been updated to include Mr. Stake. Paper 34.

### ORDER

Accordingly, it is

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Sam Stake in each of the instant proceedings is *granted*;

FURTHER ORDERED that Mr. Stake is authorized to represent Patent Owner only as back-up counsel in the instant proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the instant proceedings;

FURTHER ORDERED that Mr. Stake is to comply with the Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 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. Stake is to 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:

Heidi L. Keefe  
Andrew C. Mace  
Mark R. Weinstein  
COOLEY LLP  
hkeefe@cooley.com  
amace@cooley.com  
mweinstein@cooley.com

PATENT OWNER:

James M. Glass  
Richard Lowry  
John McKee  
QUINN EMANUEL URQUHART & SULLIVAN, LLP  
jimglass@quinnemanuel.com  
richardlowry@quinnemanuel.com  
qe-blackberry-ipr@quinnemanuel.com