

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SNAP INC.,
Petitioner,

v.

BLACKBERRY LIMITED,
Patent Owner.

IPR2019-00714 (Patent 8,825,084 B2)
IPR2019-00715 (Patent 8,326,327 B2)¹

Before MICHAEL R. ZECHER, MIRIAM L. QUINN, and
AARON W. MOORE, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for Admission
Pro Hac Vice of Chad J. Peterman
37 C.F.R. § 42.10(c)

¹ This Order applies to both proceedings. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2019-00714 (Patent 8,825,084 B2)

IPR2019-00715 (Patent 8,326,327 B2)

On December 18, 2019, Petitioner filed motions for admission *pro hac vice* of Chad J. Peterman in each of the above-identified proceedings (collectively “Motions”). Paper 14.² Petitioner also filed declarations of Mr. Peterman in support of the Motions (collectively “Declarations”). Ex. 1010.³ Patent Owner has not filed an opposition to the Motions. For the reasons provided below, Petitioner’s Motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), the Board 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. In its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Peterman has sufficient legal and technical qualifications to represent Petitioner in these proceedings, Mr. Peterman has demonstrated sufficient familiarity with the subject matter of these proceedings, and Petitioner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Peterman.

² For purposes of expediency, we cite to Papers filed in IPR2019-00714. Petitioner filed a similar Motion in IPR2019-00715 (Paper 15).

³ For purposes of expediency, we cite to Exhibits filed in IPR2019-00714. Petitioner filed a similar Declaration in IPR2019-00715 (Ex. 1012).

IPR2019-00714 (Patent 8,825,084 B2)

IPR2019-00715 (Patent 8,326,327 B2)

Mr. Peterman will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner has filed a Power of Attorney including Mr. Peterman in accordance with 37 C.F.R. § 42.10(b). IPR2019-00714, Paper 2; IPR2019-00715, Paper 2. Petitioner has also filed Mandatory Notices identifying Mr. Peterman as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2019-00714, Paper 1, 1; IPR2019-00715, Paper 1, 1.

Accordingly, it is:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mr. Chad J. Peterman are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Peterman is authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Peterman is to comply with the Consolidated 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. Peterman 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.*

IPR2019-00714 (Patent 8,825,084 B2)

IPR2019-00715 (Patent 8,326,327 B2)

For PETITIONER:

Yar Chaikovsk

David Okano

PAUL HASTINGS LLP

yarchaikovsky@paulhastings.com

davidokano@paulhastings.com

For PATENT OWNER:

Michaele T. Hawkins

Nicholas Stephens

Kenneth W. Darby

Craig A. Deutsch

Kim H. Leung

FISH & RICHARDSON P.C.

hawkins@fr.com

nstephens@fr.com

kdarby@fr.com

deutsch@fr.com

leung@fr.com

Ognijen Zivojnovic

Sam Stake

Alex Wolinsky

James M. Glass

QUINN EMANUEL URQHART & SULLIVAN, LLP

ogizivojnovic@quinnemanuel.com

samstake@quinnemanuel.com

alexworlinsky@quinnemanuel.com

jimglass@quinnemanuel.com