

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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Case IPR2019-00925<sup>1</sup>  
Patent 8,209,634 B2

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Before MIRIAM L. QUINN, GREGG I. ANDERSON, and  
ROBERT L. KINDER, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER  
Petitioner's Motion for *Pro Hac Vice*  
Admission of Mark R. Weinstein  
*37 C.F.R. § 42.10*

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<sup>1</sup> Snap Inc. filed a petition and a motion for joinder in IPR2019-00938, both of which have been granted. Paper 17. Therefore, Snap Inc. has been joined as a petitioner. *Id.*

Facebook, Inc., Instagram, LLC, and WhatsApp Inc. (collectively “Petitioner”) filed a Motion for *pro hac vice* admission of Mark R. Weinstein in the above-captioned proceeding. Paper 18 (“Motion” or “Mot.”). Petitioner also filed a Declaration of Mr. Weinstein in support of the Motion. Ex. 1127. Patent Owner has not filed an opposition to the Motion.

We have reviewed the Motion and the accompanying Declaration of Mr. Weinstein. The Motion states that there is good cause for the Board to recognize Mr. Weinstein as counsel *pro hac vice* because Mr. Weinstein is an experienced litigation attorney who has been involved in numerous complex litigations in state and federal courts, and because Mr. Weinstein has established familiarity with the subject matter at issue in this proceeding. Mot. 1–2; *see also* Ex. 1127 ¶ 8. Based on the facts stated in the Motion and averred in the Declaration, we conclude that Mr. Weinstein has sufficient qualifications to represent Petitioner in these proceedings. The Motion is hereby granted, and Mr. Weinstein will be permitted to appear *pro hac vice* in these proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

ORDER

It is

ORDERED that Petitioner's Motion for *pro hac vice* admission of Mr. Mark R. Weinstein in the instant proceeding is granted;

FURTHER ORDERED that Mr. Weinstein will be authorized to represent Petitioner as back-up counsel in the instant proceeding only;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Weinstein is to comply with the Office Patent Trial Practice Guide, as updated by the July 2019 Update, 84 Federal Register 33,925 (July 16, 2019), and 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; and

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

IPR2019-00925  
Patent 8,209,634 B2

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