

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

REALTIME ADAPTIVE STREAMING LLC,
Patent Owner.

IPR2019-01035
Patent 9,769,477 B2

Before GEORGIANNA W. BRADEN, KEVIN W. CHERRY, and
KAMRAN JIVANI, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

ORDER

*Patent Owner's Motion for Pro Hac Vice
Admission of James S. Tsuei
37 C.F.R. § 42.10(c)*

Patent Owner filed a motion for *pro hac vice* admission of James S. Tsuei (Paper 14; “Motion”). Petitioner has not opposed the Motion. Motion 2. A Declaration of James S. Tsuei in Support of Patent Owner’s Motion for *Pro Hac Vice* Admission (Ex. 2006; “Declaration”) was submitted with the Motion. For the reasons provided below, Patent Owner’s Motion is *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 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 this proceeding.

In this proceeding, lead counsel for Patent Owner, Phillip X. Wang, a registered practitioner, filed the Motion. Motion 3. In the Motion, Patent Owner states Mr. Tsuei is an experienced patent litigation attorney who has experience litigating numerous patent infringement litigation matters. *Id.* at 2. The Motion further asserts Mr. Tsuei is an attorney responsible for the representation of Patent Owner in a co-pending litigation against Petitioner, and through his role as an attorney in the co-pending litigation, Mr. Tsuei has an established familiarity with the subject matter at issue in this proceeding. *Id.* As asserted in the Motion, Patent Owner has expended significant resources in the co-pending litigation with Mr. Tsuei, and it wishes to continue using him as counsel in this proceeding. *Id.*

In the Declaration, Mr. Tsuei attests that he is an experienced patent litigation attorney and has an established familiarity with the subject matter in this proceeding. Ex. 2006 ¶¶ 9–10. Mr. Tsuei further declares that he has

not been suspended or disbarred from practice before any court or administrative body (*id.* ¶ 3), has never had an application for admission to practice before any court or administrative body denied (*id.* ¶ 4), and has not had any sanction or contempt citation imposed by any court or administrative body (*id.* ¶ 5).

Mr. Tsuei further states that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rule of Practice for Trials as set forth in 37 C.F.R. § 42 (*id.* ¶ 6), and agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a) (*id.* ¶ 7).

Patent Owner must update its mandatory notices as required by 37 C.F.R. § 42.8(b)(3).

It is

ORDERED that Patent Owner's Motion for *pro hac vice* admission of James S. Tsuei is *granted*;

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Mr. Tsuei as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Mr. Tsuei shall 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

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FURTHER ORDERED that Mr. Tsuei 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.*

PETITIONER:

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