

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LENOVO HOLDING COMPANY, INC., LENOVO (UNITED STATES)  
INC., AND MOTOROLA MOBILITY LLC,  
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,  
Patent Owner.

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IPR2019-00988 (Patent 9,369,545 B2)  
IPR2019-01278 (Patent 8,020,083 B1)  
IPR2019-01279 (Patent 8,510,407 B1)<sup>1</sup>

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Before GRACE KARAFFA OBERMANN, JAMES A. WORTH,  
AMBER L. HAGY, SHARON FENICK, and PAUL J. KORNICZKY,  
*Administrative Patent Judges.*<sup>2</sup>

KORNICZKY, *Administrative Patent Judge.*

ORDER

Conditionally Granting Patent Owner's Motions for *Pro Hac Vice*  
Admission of Perry M. Goldberg  
*37 C.F.R. § 42.10*

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<sup>1</sup> This Order applies to each of the listed cases. The parties are not authorized to use this caption for subsequent papers.

<sup>2</sup> This is not an expanded panel. Rather, we exercise our discretion to issue a common paper in each proceeding, which have overlapping panel members, with a joint caption.

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Patent Owner filed motions for *pro hac vice* admission of Perry M. Goldberg in each of the above-identified proceedings (IPR2019-00988, Paper 16; IPR2019-01278, Paper 10; IPR2019-01279, Paper 9 (“Motions”)), accompanied by declarations in support of the Motions (IPR2019-00988, Ex. 2004; IPR2019-01278, Ex. 2001; IPR2019-01279, Ex. 2001 (“Declarations”)). Petitioner has not opposed the Motions.

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 motions 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 the proceeding. *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013, Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Lead Counsel for Patent Owner is Lewis E. Hudnell, III, a registered practitioner. Patent Owner states that there is good cause for the Board to recognize Mr. Goldberg *pro hac vice* during the above-identified proceedings because Mr. Goldberg represents Patent Owner in a related matter. *See* Motions.

Mr. Goldberg’s Declarations attest to, and sufficiently explain, the required facts. *See* Declarations. The Declarations comply with the requirements for *pro hac vice* admission and show that Mr. Goldberg is an experienced attorney having established familiarity with the subject matter at issue in the above-identified proceedings. *See id.* The Declarations further

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acknowledge that Mr. Goldberg 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). *See id.*

Upon review of the record before us, we note that Mr. Goldberg's Declarations do not include the date on which the Declarations were executed in accordance with 28 U.S.C. § 1746.<sup>3</sup> In view thereof, and for the reasons set forth below, Patent Owner's Motions are *conditionally granted*, and are to be effective after Patent Owner files Declarations that include a date on which the Declarations were executed.

Patent Owner has demonstrated that Mr. Goldberg has sufficient legal and technical qualifications to represent Patent Owner in the above-identified proceedings. Accordingly, Patent Owner has established that there is good cause for admitting Mr. Goldberg. Mr. Goldberg may be designated as back-up counsel only.

It is

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Perry M. Goldberg are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit Declarations that include a date on which the Declarations were executed in accordance with 28 U.S.C. § 1746, and that Mr. Goldberg is authorized to

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<sup>3</sup> 28 U.S.C. § 1746 requires unsworn declarations executed within the U.S. to have substantially the following form: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)" (emphasis added).

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represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Patent Owner should continue to have a registered practitioner as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Goldberg shall comply with the Consolidated Trial Practice Guide<sup>4</sup>, *see* 84 Fed. Reg. 64,280 (Nov. 21, 2019), and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Goldberg shall be 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).

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<sup>4</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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