

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED MICRO DEVICES, INC.,
Petitioner,

v.

AQUILA INNOVATIONS INC.,
Patent Owner.

Case IPR2019-01525 (Patent 6,239,614 B1)
Case IPR2019-01526 (Patent 6,895,519 B2)¹

Before SALLY C. MEDLEY, DENISE M. POTHIER, and
AMBER L. HAGY, *Administrative Patent Judges*.

POTHIER, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of Robert E. Freitas
37 C.F.R. § 42.10

¹ We exercise our discretion to issue one Order to be entered in each proceeding. The parties are not authorized to use a multiple-case caption.

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Patent Owner filed a Motion for *Pro Hac Vice* Admission of Robert E. Freitas (Paper 7 (“Motion”))² as well as a supporting Declaration of Robert E. Freitas (Paper 8 (“Declaration”))³ in each of the above-listed proceedings. The Motions are unopposed. Upon review of the record before us, and for the reasons set forth below, Patent Owner’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 Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 at 3 (PTAB Oct. 15, 2013) (Order – Authorizing Motion for *Pro Hac Vice* Admission).

In the Motions, Patent Owner states there is good cause for the Board to recognize Mr. Freitas *pro hac vice* during these proceedings because “Mr. Freitas is an experienced litigation attorney, and has served as counsel in numerous patent infringement cases in various district courts and the International Trade Commission,” is lead counsel for Patent Owner in

² Our citations to papers will be to those filed in IPR2019-01525. Similar papers were filed in IPR2019-01526.

³ Patent Owner filed the Declarations as papers instead of as exhibits. We determine this to be a harmless error. The parties are reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

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co-pending litigation involving the challenged patents, and has established familiarity with the subject matter in these proceedings. Motion 2–3. Each Motion is accompanied by Mr. Freitas’s declaration, attesting to items set forth in *Unified Patents*, Paper 7 at 3. Declaration 1–3.

Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Freitas. Mr. Freitas will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is:

ORDERED that the Motions for *Pro Hac Vice* Admission of Robert E. Freitas are *granted*;

FURTHER ORDERED that a registered practitioner will continue to represent Patent Owner as lead counsel in the above-listed proceedings;

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

FURTHER ORDERED that Mr. Freitas shall comply with the Office Patent Trial Practice Guide, as updated by the Consolidated Trial Practice Guide (“Consolidated Practice Guide”), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>; *see also* 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 that Mr. Freitas is subject to the USPTO’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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