

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MAXELL, LTD.,
Patent Owner.

IPR2020-00200 (Patent 10,084,991 B2)
IPR2020-00202 (Patent 10,212,586 B2)
IPR2020-00204 (Patent 6,928,306 B2)¹

Before MICHAEL R. ZECHER, KEVIN C. TROCK, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for
Admission *Pro Hac Vice* of Michael L. Lindinger
37 C.F.R. § 42.10(c)

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 submitted a Motion for *pro hac vice* admission of Michael L. Lindinger in each of the above-identified proceedings. Paper 28 (“Motions”).² The Motions are supported by Declarations of Mr. Lindinger. Ex. 2032 (“Declarations”). Although the Motions are titled as “Unopposed,” the substantive portions of the Motions do not provide any statement or explanation as to how they are “Unopposed.” Nonetheless, Petitioner did not oppose any of the Motions within the requisite time period.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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 the proceeding. *See* Paper 5, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Having reviewed the Motions and supporting Declarations, we determine good cause exists for granting admission *pro hac vice* to Mr. Lindinger.

It is, therefore,

ORDERED that Patent Owner’s Motions for admission *pro hac vice* of Michael L. Lindinger are *granted*;

² Paper and exhibit numbers refer to IPR2020-00200. A corresponding Motion and Declaration were filed in each of IPR2020-00202 and IPR2020-00204.

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

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

FURTHER ORDERED that Patent Owner must file, within ten (10) business days, a power of attorney for Mr. Lindinger in the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b);³

FURTHER ORDERED that Patent Owner shall submit an updated mandatory notice identifying Mr. Lindinger as back-up counsel in the above-identified proceedings, in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Lindinger shall comply with the Office's America Invents Act (AIA) 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 Mr. Lindinger shall be 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).

³ Patent Owner's power of attorney appoints "Practitioner(s) at Mayer Brown LLP associated with Customer Number 26565, as my attorney(s)." Paper 3, ii. Mr. Lindinger, however, is not associated with customer number 26565.

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For PETITIONER:

Jennifer Bailey
Adam Seitz
Paul Hart
ERISE IP, P.A.
jennifer.bailey@eriseip.com
adam.seitz@eriseip.com
paul.hart@eriseip.com

For PATENT OWNER:

Robert Pluta
Amanda Bonner
Luiz Miranda
James Fussell
Saqib Siddiqui
MAYER BROWN LLP
rpluta@mayerbrown.com
asbonner@mayerbrown.com
lmiranda@mayerbrown.com
jfussell@mayerbrown.com
ssiddiqui@mayerbrown.com