

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LBT IP I LLC,
Patent Owner.

IPR2020-01189 (Patent 8,497,774 B2)
IPR2020-01190 (Patent 8,542,113 B2)
IPR2020-01191 (Patent 8,102,256 B2)
IPR2020-01192 (Patent 8,421,618 B2)
IPR2020-01193 (Patent 8,421,619 B2)¹

Before JOHN A. HUDALLA, SHEILA F. McSHANE, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ We exercise our discretion to issue a single Order, to be filed in each case.
The parties are not authorized to use this caption for subsequent papers.

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Patent Owner filed a Motion for *Pro Hac Vice* Admission of Brian S. Seal in each of the above-identified proceedings (collectively “Motions”). Paper 12.² In the Motions, Patent Owner indicates that Petitioner does not oppose the Motions. *See id.* at 1. We have not yet decided the Motions. The parties discussed the Motions during a conference call on May 20, 2021, among respective counsel for Petitioner and Patent Owner, and Judges Hudalla, McShane, and Dirba. Although the purpose of the call was to discuss Patent Owner’s intended motions to amend, Petitioner raised concerns related to the *pro hac vice* Motions.

Specifically, Petitioner noted that Mr. Seal is lead counsel in the underlying district court litigation. According to Petitioner, Mr. Seal is subject to a protective order for proprietary information in that case that precludes his participation in amending the patent claims challenged here. Thus, in light of Patent Owner’s recent indication that it will be filing motions to amend in these cases, Petitioner now opposes Mr. Seal’s *pro hac vice* admission based on the potential conflict with the terms of the district court’s protective order. Petitioner offered to file an opposition brief detailing its concerns related to the Motions.

Patent Owner indicated that it was aware of the protective order’s restrictions and that it has implemented an ethical wall preventing Mr. Seal’s participation in the motion to amend process in these proceedings. Patent

² For purposes of expediency, we cite to Papers filed in IPR2020-01189. Patent Owner filed similar Motions in each of the above-identified proceedings.

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Owner contends that Mr. Seal could continue to participate in these proceedings in all other respects if we were to grant admission *pro hac vice*.

Given the possibility of a conflict between Mr. Seal's participation in these cases and the terms of the district court's protective order, we find that further briefing is warranted. *See* 37 C.F.R. § 42.5(a). Thus, we authorize Petitioner to file a seven-page opposition to each of Patent Owner's *pro hac vice* Motions. Petitioner should include a copy of the district court's protective order as an exhibit to each opposition brief. Petitioner's opposition is due by May 27, 2021. We further authorize Patent Owner to file a seven-page reply brief in each case by June 4, 2021. Patent Owner may include further testimony with its replies.

Accordingly, it is

ORDERED that Petitioner is authorized to file oppositions to Patent Owner's Motions for *Pro Hac Vice* Admission of Brian S. Seal;

FURTHER ORDERED that the oppositions are each limited to no more than seven pages and must be filed by May 27, 2021;

FURTHER ORDERED that Patent Owner is authorized to file replies in support of its Motions for *Pro Hac Vice* Admission of Brian S. Seal; and

FURTHER ORDERED that the replies are each limited to no more than seven pages and must be filed by June 4, 2021.

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