

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC.,
Petitioner,

v.

DEMARAY LLC,
Patent Owner.

IPR2021-00103 (Patent 7,544,276 B2)
IPR2021-00104 (Patent 7,381,657 B2)¹

Before CHRISTOPHER L. CRUMBLEY and KRISTINA M. KALAN,
Administrative Patent Judges.

KALAN, *Administrative Patent Judge.*

DECISION

Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Darish Huynh
37 C.F.R. § 42.10

¹ This Order addresses the same issue in each of the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties, however, are not authorized to use this style heading in any subsequent papers.

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IPR2021-00104 (Patent 7,381,657 B2)

Patent Owner filed a Motion for *pro hac vice* admission of Darish Huynh (Paper 21, “Mot.”) as well as a supporting Declaration from Mr. Huynh (Ex. 2008) in each of the above-listed proceedings.² Patent Owner asserts that Petitioner does not oppose the Motion. Mot. 4. For the following reasons, the Motion is *granted*.

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 its notice 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. *See* Paper 4, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Having reviewed the Motion and supporting Declaration,³ good cause exists for granting admission *pro hac vice* to Mr. Huynh.

² Our citations to Papers and Exhibits are to those filed in IPR2021-00103. Similar Papers and Exhibits were filed in IPR2021-00104.

³ In his declaration, Mr. Huynh states “I have appeared never appeared *pro hac vice* before the United States Patent and Trademark Office.” Exhibit 2008 ¶ 10 (underlining added). The declaration does not identify any cases before the USPTO in which Mr. Huynh has appeared *pro hac vice*. *See Unified Patents*, Paper 7 at 3 (the declaration must attest to “[a]ll other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years”). Accordingly, we treat the underlined inclusion of “appeared” as a typographical error, i.e., as though omitted. If this interpretation is incorrect and Mr. Hunyh has appeared *pro hac vice* before the Office in the last three years, he must file a corrected Declaration with the Board.

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Accordingly, it is:

ORDERED that the Motion is *granted* and Mr. Huynh is authorized to represent Patent Owner as back-up counsel in each of the above-listed proceedings;

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

FURTHER ORDERED that Mr. Huynh shall comply with the Consolidated Trial Practice Guide⁴ (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 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Huynh 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);

FURTHER ORDERED that Patent Owner must file, within ten (10) business days of the date of this order, updated Mandatory Notices identifying Mr. Huynh as back-up counsel under 37 C.F.R. § 42.8(b)(3); and

FURTHER ORDERED that Patent Owner shall submit, within ten (10) business days of the date of this order, a Power of Attorney for Mr. Huynh in accordance with 37 C.F.R. § 42.10(b).

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

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