

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLOUDFLARE, INC.,
Petitioner,

v.

SABLE NETWORKS, INC.,
Patent Owner.

IPR2021-00909 (Patent 8,243,593 B2)
IPR2021-00969 (Patent 6,977,932 B1)

Before STACEY G. WHITE, GARTH D. BAER, SCOTT B. HOWARD,
and JULIET MITCHELL DIRBA, *Administrative Patent Judges*.¹

DIRBA, *Administrative Patent Judge*.

DECISION²

Granting Patent Owner's Motions for Admission *Pro Hac Vice*
of Daniel P. Hipskind and Erin McCracken
37 C.F.R. § 42.10

¹ This is not a decision by an expanded panel. The four judges are paneled in various groups of three in the identified proceedings.

² This Order addresses overlapping issues in the cases listed above. Therefore, we issue one Order to be filed in each case. The parties, however, are not authorized to use this style of filing.

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Sable Networks, Inc. (“Patent Owner”) filed Motions for Admission *Pro Hac Vice* of Daniel P. Hipkind and Erin McCracken in each of the above-identified proceedings. IPR2021-00909, Papers 19³ and 25; IPR2021-00969, Papers 21 and 22 (collectively “Motions”). Patent Owner also filed Declarations of Daniel P. Hipkind and Erin McCracken in support of the Motions. IPR2021-00909, Exs. 2004 and 2005; IPR2021-00969, Exs. 2005 and 2006 (collectively “Declarations”). Patent Owner attests that Petitioner does not oppose the Motions. Paper 19, 1; Paper 25, 1. For the reasons provided 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* 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”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Hipkind and Ms. McCracken each have sufficient legal and technical qualifications to represent Patent Owner in the above-identified proceedings, that Mr. Hipkind and Ms. McCracken have each demonstrated sufficient familiarity with the subject matter of these

³ Paper 19 appears to have been refiled as Paper 24.

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proceedings, that Mr. Hipskind and Ms. McCracken meet all other requirements for admission *pro hac vice*, and that Patent Owner's intent to be represented by counsel with litigation experience is warranted.

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

We note that Patent Owner has filed a Power of Attorney including Mr. Hipskind and Ms. McCracken in accordance with 37 C.F.R. § 42.10(b). IPR2021-00909, Papers 6 and 7; IPR2021-00969, Papers 6 and 7. Patent Owner has also filed Mandatory Notices identifying Mr. Hipskind and Ms. McCracken as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2021-00909, Paper 5, 4; IPR2021-00969, Paper 5, 4.

ORDER

It is:

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Daniel P. Hipskind and Erin McCracken are *granted*;

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 Mr. Hipskind and Ms. McCracken are authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

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FURTHER ORDERED that Mr. Hipkind and Ms. McCracken are to 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, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Hipkind and Ms. McCracken shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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

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PETITIONER:

James Day

Daniel Callaway

Winston Liaw

FARELLA BRAUN + MARTEL LLP

jday@fbm.com

dcallaway@fbm.com

wliaw@fbm.com

PATENT OWNER:

Kenneth Weatherwax

Parham Hendifar

Patrick Maloney

LOWENSTEIN & WEATHERWAX LLP

weatherwax@lowensteinweatherwax.com

hendifar@lowensteinweatherwax.com

maloney@lowensteinweatherwax.com