

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,  
v.

LOGANTREE, LP,  
Patent Owner.

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IPR2022-00037 and IPR2022-00040<sup>1</sup>  
Patent 6,059,576 C1

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Before PATRICK R. SCANLON, MITCHELL G. WEATHERLY, and  
JAMES A. WORTH, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

DECISION  
Granting Patent Owner's Motion for Admission *Pro Hac Vice* of  
Jason McManis and Colin B. Phillips  
*37 C.F.R. § 42.10*

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<sup>1</sup> The Parties are not authorized to use a caption that references multiple cases.

On October 3, 2022, Patent Owner filed a motion for admission *pro hac vice* of Mr. Jason McManis and Mr. Colin Phillips, in the above-captioned proceedings. Papers 12, 13<sup>2</sup> (“Mot.”). Patent Owner indicates, on the title page of each Motion, that the motions are unopposed. The Motions rely on Declarations from Mr. McManis and Mr. Phillips. Ex. 2003, 2004.<sup>3</sup> Mandatory Notices and a Power of Attorney listing each were filed. Papers 8, 9.

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 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB 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. McManis and Mr. Phillips each has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that they have demonstrated sufficient familiarity with the subject matter of these proceedings, that they meet all other requirements

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<sup>2</sup> We refer to papers and exhibits filed in IPR2022-00037. Similar papers and exhibits were filed in IPR2022-00040.

<sup>3</sup> The Declarations submitted along with the Motions, in Exhibits 2001 and 2002, were corrected and refiled on November 3, 2022 as Exhibits 2003 and 2004.

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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. McManis and Mr. Phillips, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c).

## ORDER

It is:

ORDERED that Patent Owner's motion for *pro hac vice* admission of Jason McManis is *granted*, and Mr. McManis is authorized to represent Patent Owner only as back-up counsel in these proceedings;

ORDERED that Patent Owner's motion for *pro hac vice* admission of Colin B. Phillips is *granted*, and Mr. Phillips is authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in each proceeding;

FURTHER ORDERED that Mr. McManis and Mr. Phillips are to comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 2019), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>, and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. McManis and Mr. Phillips are subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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