

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

BILLJCO LLC,
Patent Owner.

IPR2022-00129 (Patent 8,566,839 B2)
IPR2022-00131 (Patent 8,639,267 B2)¹

Before THU A. DANG, ROBERT J. WEINSCHENK, and
GARTH D. BAER, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

DECISION

Conditionally Granting Patent Owner's Motions for Admission
Pro Hac Vice of Courtland C. Merrill
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in all above-captioned proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

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BillJCo, LLC (“Patent Owner”) filed motions for admission *pro hac vice* of Courtland C. Merrill (Paper 10²) in the above-captioned proceedings (collectively, “Motions”). The Motions are supported by Affidavits of Mr. Merrill (Ex. 2007). Petitioner did not file an opposition to the Motions. The Motions are *conditionally 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 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 3 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth requirements for admission *pro hac vice*)).

Based on the facts set forth in the Motions and the accompanying Affidavits, we conclude that Mr. Merrill has sufficient legal and technical qualifications to represent Patent Owner in these proceedings and that Mr. Merrill has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings. *See* Ex. 2007 ¶¶ 12–14. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Merrill.

Upon review of the record before us, we note that Patent Owner has not submitted a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) for Mr. Merrill, and has not filed updated Mandatory Notices identifying Mr.

² Paper and exhibit numbers refer to Proceeding IPR2022-00129. Corresponding papers and exhibits were filed in IPR2022-00131.

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Merrill as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). In view thereof, and for the reasons set forth below, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney and updated Mandatory Notices.

Accordingly, it is

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Courtland C. Merrill are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit a Power of Attorney for Mr. Merrill in accordance with 37 C.F.R. § 42.10(b), and updated Mandatory Notices in accordance with 37 C.F.R. § 42.8(b)(3) listing Mr. Merrill as back-up counsel;

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

FURTHER ORDERED that Mr. Merrill shall comply with the Consolidated Trial Practice Guide,³ 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. Merrill is 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.

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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