

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERSEPHONE GmbH,
Petitioner Application 15/368,221,
Petitioner,

v.

SIMON TECHNOLOGIES LLC,
Respondent Application 14/726,075,
Respondent.

DER2017-00004

Before JAMESON LEE, MICHAEL R. ZECHER, and JUSTIN T. ARBES,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

ORDER
Granting Respondent's Motion for *Pro Hac Vice*
Admission of Jordan C. Strauss
37 C.F.R. § 42.10(c)

On January 20, 2023, Respondent filed a Motion for *Pro Hac Vice* Admission of Jordan C. Strauss in the above-captioned proceeding. Paper 16 (“Motion”).¹ Respondent also filed a Declaration of Ms. Strauss in support of the Motion. Ex. 2001 (“Declaration”). Respondent represents that Petitioner does not oppose the Motion. Motion 2. For the reasons we identify below, Respondent’s Motion is *granted*.

Pursuant to 37 C.F.R. § 42.10(c), we 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. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. See Paper 3, 2–3 (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 Motion and averred in the Declaration, we conclude that Ms. Strauss has sufficient legal and technical qualifications to represent Respondent in this proceeding, that Ms. Strauss has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Ms. Strauss meets all other requirements for admission *pro hac vice*. We further conclude that Respondent’s interest in being represented in the instant proceeding by counsel with litigation experience weighs in favor of granting the Motion. Accordingly, Respondent has established good cause for *pro hac vice* admission of Ms. Strauss. The

¹ The Motion does not include page numbers. We consider the title page as page 1 and proceed therefrom in numerical order.

Motion is hereby granted, and Ms. Strauss will be permitted to appear *pro hac vice* in the instant proceeding as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Respondent filed a Power of Attorney for Ms. Strauss in accordance with 37 C.F.R. § 42.10(b). Paper 14. In addition, Respondent filed updated Mandatory Notices identifying Ms. Strauss as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 13.

ORDER

Accordingly, it is

ORDERED that Respondent's Motion for *pro hac vice* admission of Jordan C. Strauss in this proceeding is *granted*;

FURTHER ORDERED that Ms. Strauss is authorized to represent Respondent only as back-up counsel in this proceeding;

FURTHER ORDERED that Respondent is to continue to have a registered practitioner represent it as lead counsel in this proceeding;

FURTHER ORDERED that Ms. Strauss is to comply with the Office Patent Trial Practice Guide² (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 Ms. Strauss is to 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.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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For PETITIONER:

Michael Cornelison

David Tener

Anthony H. Handal

HANDAL & MOROFSKY

mcornelison@crbcp.com

dmtener@crbcp.com

Handal@HandalGlobal.com

For RESPONDENT:

Neil G. Ferrari

Jordan C. Strauss

MUNCK WILSON MANDALA, LLP

jstrauss@munckwilson.com

David Doyle

MUNCK WILSON MANDALA, LLP

ddoyle@munckwilson.com