Trials@uspto.gov
571-272-7822

Paper: 16
Entered: September 11, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

ZENTIAN LIMITED,
Patent Owner.

IPR2023-00033 (Patent 7,587,319 B2)
IPR2023-00034 (Patent 7,979,277 B2)
IPR2023-00035 (Patent 10,062,377 B2)
IPR2023-00036 (Patent 10,839,789 B2)
IPR2023-00037 (Patent 10,971,140 B2)[1]

Before KEVIN F. TURNER, JEFFREY S. SMITH, and CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Christina Canino
37 C.F.R. § 42.10

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[1] This Order applies to each of the identified proceedings. The parties are not authorized to use this style heading for any subsequent papers.

On August 23, 2023, Petitioner filed a motion requesting *pro hac vice* admission of Christina Canino. Paper 14 ("Motion").[2] Petitioner also submitted a declaration from Attorney Canino in support of the Motion. Ex. 1043 ("Declaration"). Petitioner attests that Patent Owner does not oppose the Motion. Motion 2. For the reasons provided below, the Motion for Attorney Canino is *conditionally granted.*

In accordance with 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 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 Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission").

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Attorney Canino has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Attorney Canino has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Attorney Canino meets all other requirements for admission *pro hac vice*. *See* Declaration ¶¶ 1–9. Accordingly, Petitioner has established good cause for

[2] We cite to Papers and Exhibits filed in IPR2023-00033. Similar Papers and Exhibits were filed in IPR2023-00034, 00035, 00036, and 00037.

pro hac vice admission of Attorney Canino. They will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Petitioner has not filed a Power of Attorney including Attorney Canino in accordance with 37 C.F.R. § 42.10(b). *See*, *e.g.*, Paper 2. Nor has Petitioner filed Mandatory Notices identifying Attorney Canino as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). *See*, *e.g.*, Paper 1, 77. In view thereof, Petitioner's Motion is *conditionally granted* for Attorney Canino, and is to be effective after Petitioner files an inclusive Power of Attorney and updated Mandatory Notices.

In consideration of the foregoing, it is

ORDERED that Petitioner's Motion for *pro hac vice* admission of Attorney Canino is *conditionally granted* provided that (i) within ten (10) business days of the date of this order Petitioner must submit a Power of Attorney for Attorney Canino in accordance with 37 C.F.R. § 42.10(b) and (ii) within twenty-one (21) business days of the date of this order Petitioner must submit updated Mandatory Notices identifying Attorney Canino as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Attorney Canino is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Attorney Canino complies with the Patent Trial and Appeal Board 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 Attorney Canino 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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FOR PETITIONER:

Jennifer C. Bailey
Adam P. Seitz
Adam M. Sandwell
ERISE IP, P.A.
jennifer.bailey@eriseip.com
adam.seitz@eriseip.com
adam.sandwell@eriseip.com

FOR PATENT OWNER:

Peter C. Knops
Kayvan B. Noroozi
NOROOZI PC
peter@noroozipc.com
kayvan@noroozipc.com

Katherine Rhoades
BARTLIT BECK LLP
katherine.rhoades@bartlitbeck.com