

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

WILDSEED MOBILE LLC,
Patent Owner.

IPR2023-00244 (Patent 10,251,021 B2)
IPR2023-00245 (Patent 10,959,040 B2)
IPR2023-00246 (Patent 9,141,960 B2)¹

Before KARL D. EASTHOM, TERRENCE W. McMILLIN, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Andrew G. Hamill
37 C.F.R. § 42.10

¹ This Order applies to the three cases listed in the heading. The parties must obtain prior authorization to use this heading style.

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Patent Owner filed a motion in each case requesting *pro hac vice* admission of Andrew G. Hamill. Paper 14 (“Motion,” “Mot.”).² Each Motion is supported by a declaration of Mr. Hamill. Ex. 2005 (“Declaration,” “Decl.”).

Petitioner does not oppose the Motions.

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* Paper 3, 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 each Motion and accompanying Declaration, we conclude that Mr. Hamill has sufficient legal and technical qualifications to represent Patent Owner in each respective proceeding, that Mr. Hamill has demonstrated sufficient litigation experience and familiarity with the subject matter of each respective proceeding, and that Mr. Hamill meets all other requirements for admission *pro hac vice*. *See, e.g.*, Decl. ¶¶ 3–5, 10–12; Mot. 5. Accordingly, Patent Owner has established good

² For purposes of expediency, we cite Papers and Exhibits filed in IPR2023-00244. Patent Owner filed similar items in IPR2023-00245 and IPR2023-00246.

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

We note Patent Owner filed a Power of Attorney including Mr. Hamill in accordance with 37 C.F.R. § 42.10(b) as Paper 15 in each proceeding. Patent Owner has also submitted a Mandatory Notice identifying Mr. Hamill as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3) as Paper 16 in each proceeding.

We observe Sections III and IV of each of the Motions state that back-up counsel is a registered practitioner. Mot. 2, 4. Our *pro hac vice* rule requires that lead counsel be a registered practitioner. 37 C.F.R. § 42.10(c). We further observe that each Motion and Declaration omits an identification of all other proceedings before the Office for which Mr. Hamill has applied to appear *pro hac vice* in the last three (3) years.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Andrew Hamill in IPR2023-00244, IPR2023-00245, and IPR2023-00246 are *conditionally granted*, provided that, within ten (10) business days of the date of this Order and prior to Mr. Hamill appearing as back-up counsel, Patent Owner files the following two documents in each proceeding:

(1) a supplemental declaration identifying all other proceedings before the Office for which Mr. Hamill has applied to appear *pro hac vice* in the last three (3) years (if there are none, the supplemental declaration should so state); and

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(2) a statement confirming that the Lead Counsel identified in Patent Owner's most recent updated mandatory notices (Paper 16 in each proceeding) is correct.

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

FURTHER ORDERED that Mr. Hamill is authorized to represent Patent Owner as back-up counsel only in each proceeding;

FURTHER ORDERED that Mr. Hamill comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide³ (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. Hamill 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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