

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

WILDSEED MOBILE LLC,
Patent Owner.

IPR2023-00247 (Patent 10,869,169 B2)
IPR2023-00248 (Patent 7,376,414 B2)¹

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

PER CURIAM.

ORDER
Granting Patent Owner's Motions for
Pro Hac Vice Admission of Zack Higgins
37 C.F.R. § 42.10

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

IPR2023-00247 (Patent 10,869,169 B2)

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Patent Owner filed a motion in each case requesting *pro hac vice* admission of Zack Higgins. Paper 15 (“Motion,” “Mot.”).² Each Motion is supported by a declaration of Mr. Higgins. Ex. 2007 (“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. Higgins has sufficient legal and technical qualifications to represent Patent Owner in each respective proceeding, that Mr. Higgins has demonstrated sufficient litigation experience and familiarity with the subject matter of each respective proceeding, and that Mr. Higgins 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 IPR2023-00247. Patent Owner filed similar items in IPR2023-00248.

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cause for *pro hac vice* admission of Mr. Higgins. Mr. Higgins 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. Higgins in accordance with 37 C.F.R. § 42.10(b) as Paper 16. Patent Owner has also submitted an updated Mandatory Notice identifying Mr. Higgins as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3) as Paper 17.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Zack Higgins in IPR2023-00247 and IPR2023-00248 are *granted*;

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. Higgins is authorized to represent Patent Owner as back-up counsel only in each proceeding;

FURTHER ORDERED that Mr. Higgins 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. Higgins 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:

Andrew Ehmke

Calmann Clements

Raghav Bajaj

HAYNES AND BOONE, LLP

Andy.ehmke.ipr@haynesboone.com

Calmann.clements.ipr@haynesboone.com

Raghav.bajaj.ipr@haynesboone.com

FOR PATENT OWNER:

David Alberti

Sal Lim

dalbert@feinday.com

slim@feinday.com

Michael Specht

Jason Fitzsimmons

Richard Bemben

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

mspecht-ptab@sternekessler.com

jfitzsimmons-ptab@sternekessler.com

rbemben-ptab@sternekessler.com