

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.,
Petitioner,

v.

SAMESURF, INC.,
Patent Owner.

IPR2023-00339 (Patent 9,185,145 B2)
IPR2023-00341 (Patent 9,483,448 B2)
IPR2023-00342 (Patent 8,527,591 B2)¹

Before BARBARA A. BENOIT, LYNNE E. PETTIGREW, and
PHILLIP A. BENNETT, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Saif Askar
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each of the identified 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 for any subsequent papers.

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On March 9, 2023, Patent Owner filed a Motion for *Pro Hac Vice* Admission of Saif Askar in each of the above-identified proceedings. Paper 7 (“Motion”).² Additionally, Patent Owner filed a Declaration of Mr. Askar in support of the Motion. Ex. 2001 (“Declaration”). Petitioner did not file an opposition.

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, 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 5, 2 (citing *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 stated in the Declaration, we conclude that Mr. Askar has sufficient legal and technical qualifications to represent Patent Owner in the above-identified proceedings, that Mr. Askar has demonstrated sufficient litigation experience and familiarity with the subject matter of the above-identified proceedings, and that Mr. Askar meets all other requirements for admission *pro hac vice*. We further conclude that Patent Owner’s interest in being represented in the above-identified proceedings by counsel with litigation experience weighs in

² For purposes of expediency, we cite to the Motion and Declaration filed in IPR2023-00339, unless otherwise indicated. Patent Owner filed a similar Motion and Declaration in IPR2023-00341 (Paper 7; Ex. 2001) and IPR2023-00342 (Paper 7; Ex. 2001).

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favor of granting the Motion. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Askar. Mr. Askar will be permitted to appear *pro hac vice* in the above-identified proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a power of attorney for Mr. Askar in accordance with 37 C.F.R. § 42.10(b). Paper 3. Additionally, Patent Owner's mandatory notices identify Mr. Askar as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 4, 3.

Accordingly, it is:

ORDERED that Patent Owner's Motion for *Pro Hac Vice* Admission of Saif Askar in each of the above-identified proceedings is *granted*;

FURTHER ORDERED that Mr. Askar is authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Askar is to comply with the 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 37 C.F.R.⁴; and

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

⁴ The Declaration states that "I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.," rather than Part 42 of Title 37 of the C.F.R. Ex. 2001 ¶ 5. We deem this to be harmless error.

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FURTHER ORDERED that Mr. Askar shall 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.*

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