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Paper 18
Entered: August 24, 2023

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 KARL D. EASTHOM, BARBARA A. BENOIT, and PHILLIP A. BENNETT, *Administrative Patent Judges.*

BENOIT, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for *Pro Hac Vice*
Admission of Michael J. Sacksteder, Geoffrey R. Miller,
and Daniel Ledesma
37 C.F.R. § 42.10(c)

[1] This Order addresses issues that are the same in each of the identified proceedings. The parties must obtain prior authorization to use this heading style.

Petitioner, Intuit Inc., filed Motions for admission *pro hac vice* of Michael J. Sacksteder (Paper 15), Geoffrey R. Miller (Paper 16), and Daniel Ledesma (Paper 17) in each of these proceedings (the "Motions" or "Mot.").[2] Petitioner did not indicate whether its motions were unopposed, but Patent Owner has not filed opposition within the seven-day period following the filing of the motions. 37 C.F.R. § 42.25.

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. In authorizing a motion for admission *pro hac vice*, 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 5 at 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) ("Order – Authorizing Motion for *Pro Hac Vice* Admission")) ("Notice").

Petitioner states that there is good cause for the Board to recognize Mr. Sacksteder, Mr. Miller, and Mr. Ledesma *pro hac vice* during these proceedings because each is "an experienced litigating attorney" who "has an established familiarity with the subject matter at issue" related to these proceedings. Paper 15, ¶¶ 4, 5; Paper 16, ¶¶ 4, 5; Paper 17, ¶¶ 4, 5.

Each Motion is supported by Declarations of Mr. Sacksteder (Ex. 1028), Mr. Miller (Ex. 1029), and Mr. Ledesma (Ex. 1030) (the

[2] Unless otherwise noted, we cite to Papers and Exhibits in IPR2023-00339. Similar Papers and Exhibits were filed in IPR2023-00341 and IPR2023-00342.

"Declarations" or "Decl.") that attests to the statements above and complies with the requirements set forth in the Notice. *See* Ex. 1028, ¶¶ 1–12; Ex. 1029, ¶¶ 1–13; Ex. 1030, ¶¶ 1–13.

Upon consideration, Petitioner has demonstrated that Mr. Sacksteder, Mr. Miller, and Mr. Ledesma each have sufficient legal and technical qualifications and familiarity with the subject matter at issue, and that there is a need for Petitioner to have counsel with their experience. *See, e.g.*, Paper 15, ¶¶ 4, 5; Ex. 1028, ¶¶ 4, 11; Paper 16, ¶¶ 4, 5; Ex. 1029, ¶¶ 4, 11; Paper 17, ¶¶ 4, 5; Ex. 1030, ¶¶ 4, 11. Petitioner therefore has established good cause for admitting Mr. Sacksteder, Mr. Miller, and Mr. Ledesma *pro hac vice* in each of these proceedings.

Powers of Attorney have been submitted for Mr. Sacksteder, Mr. Miller, and Mr. Ledesma in accordance with 37 C.F.R § 42.10(b). Paper 1, 1. Mandatory Notices have also been submitted, identifying Mr. Sacksteder, Mr. Miller, and Mr. Ledesma as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 2, 3.

Upon review of the record before us, we determine that all requirements for admission *pro hac vice* have been met and there is good cause to admit Mr. Sacksteder, Mr. Miller, and Mr. Ledesma *pro hac vice*. Accordingly, Petitioner's Motions for *pro hac vice* admission of Mr. Sacksteder, Mr. Miller, and Mr. Ledesma are *granted*.

Accordingly, it is

ORDERED that Petitioner's Motions for admission *pro hac vice* of Mr. Sacksteder, Mr. Miller, and Mr. Ledesma in each of the above-identified

proceedings is *granted*; Mr. Sacksteder, Mr. Miller, and Mr. Ledesma are authorized to act only as back-up counsel in these proceedings;

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

FURTHER ORDERED that Mr. Sacksteder, Mr. Miller, and Mr. Ledesma shall comply with the Consolidated Trial Practice Guide, 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;[3] and

FURTHER ORDERED that Mr. Sacksteder, Mr. Miller, and Mr. Ledesma 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*.[4]

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[3] The Declarations each state 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 Code of Federal Regulations." Ex. 1028, ¶ 8; Ex. 1029, ¶ 8; Ex. 1030, ¶ 8. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We deem this harmless error.

[4] Mr. Sacksteder, Mr. Miller, and Mr. Ledesma each declares that he will be "subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq*.," rather than the *USPTO Rules of Professional Conduct* set forth in 37 C.F.R. §§ 11.101 *et seq.* Ex. 1028, ¶ 9; Ex. 1029, ¶ 9; Ex. 1030, ¶ 9. We deem this harmless error.

FOR PETITIONER:

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