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Paper 20
Entered: September 27, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

FLYPSI, INC.,
Patent Owner.

IPR2023-00357 (Patent 11,218,585 B2)
IPR2023-00358 (Patent 10,334,094 B1)
IPR2023-00359 (Patent 11,012,554 B2)
IPR2023-00360 (Patent 9,667,770 B2)
IPR2023-00361 (Patent 10,051,105 B2)[1]

Before ROBERT J. WEINSCHENK, JAMES J. MAYBERRY, and MICHAEL T. CYGAN, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Petitioner's Motions for *Pro Hac Vice* Admission
of Howard Herr and Puja Patel
37 C.F.R. § 42.10

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[1] This Order pertains to all of these cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Petitioner filed motions requesting *pro hac vice* admission of Howard Herr and Puja Patel in each of the above-identified proceedings (collectively "Motions"). Papers 16 and 17.[2] Petitioner also submitted Declarations from Howard Herr (Ex. 1023) and Puja Patel (Ex. 1024) in support of the Motions (collectively "Declarations"). Petitioner represents that Patent Owner does not oppose the Motions. Paper 16, 1; Paper 17, 1.

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 Motions and the accompanying Declarations, we conclude that Mr. Herr and Ms. Patel each has sufficient legal and technical qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Exs. 1023, 1024.

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[2] IPR2023-00357, IPR2023-00358, IPR2023-00359, IPR2023-00360, and IPR2023-00361 include similar papers and exhibits. Unless otherwise noted, all citations are to papers and exhibits in IPR2023-00357 as representative. This Order applies equally to all captioned proceedings.

Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Herr and Ms. Patel.

We note that Petitioner filed a Power of Attorney including Mr. Herr and Ms. Patel in accordance with 37 C.F.R. § 42.10(b). Paper 2, 1–2. Petitioner also filed Mandatory Notices identifying Mr. Herr and Ms. Patel as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Howard Herr and Puja Patel are *granted*;

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

FURTHER ORDERED that Mr. Herr and Ms. Patel are authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Herr and Ms. Patel comply 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 Mr. Herr and Ms. Patel are 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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