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571-272-7822

Paper 21
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 Patent Owner's Motions for *Pro Hac Vice* Admission of
Michael A. Bittner, William M. Logan, and Matthew R. McCullough
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.

Patent Owner filed motions requesting *pro hac vice* admission of Michael A. Bittner, William M. Logan, and Matthew R. McCullough in each of the above-identified proceedings (collectively "Motions"). Papers 13–15.[2] Patent Owner also submitted Declarations from Michael A. Bittner (Ex. 2005), William M. Logan (Ex. 2006) and Matthew R. McCullough (Ex. 2007) in support of the Motions (collectively "Declarations").[3] Patent Owner attests that Petitioner does not oppose the Motions. Paper 13, 2; Paper 14, 2; Paper 15, 2.

For the reasons provided below, Patent Owner's Motions are *granted*.

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,*

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[2] For purposes of expediency, we cite to Motions filed in IPR2023-00357. Patent Owner filed similar Motions in IPR2023-00358 (Papers 13–15), IPR2023-00359 (Papers 13–15), IPR2023-00360 (Papers 13–15), and IPR2023-00361 (Papers 13, 15, 18). In IPR2023-00361, an additional copy of the motion requesting *pro hac vice* admission of Michael A. Bittner (Paper 14) has been expunged.

[3] We cite to Declarations filed in IPR2023-00357. Patent Owner filed similar Declarations in IPR2023-00358, IPR2023-00359, IPR2023-00360, and IPR2023-00361 (Exs. 2005–2007).

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. Bittner, Mr. Logan, and Mr. McCullough each has sufficient legal and technical qualifications to represent Patent Owner 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. 2005–2007. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Bittner, Mr. Logan, and Mr. McCullough. Mr. Bittner, Mr. Logan, and Mr. McCullough will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Mr. Bittner, Mr. Logan, and Mr. McCullough in accordance with 37 C.F.R. § 42.10(b). Paper 11. Patent Owner has also filed Mandatory Notices identifying Mr. Bittner, Mr. Logan, and Mr. McCullough as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 12.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Bittner, Mr. Logan, and Mr. McCullough are *granted*;

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

FURTHER ORDERED that Mr. Bittner, Mr. Logan, and Mr. McCullough are authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Bittner, Mr. Logan, and Mr. McCullough comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (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. Bittner, Mr. Logan, and Mr. McCullough 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.*

[4] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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