

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL TECHNOLOGIES INC.,
DELL INC.,
and
CISCO SYSTEMS, INC.,
Petitioner,

v.

CORRIGENT CORPORATION,
Patent Owner.

IPR2023-00370
Patent 7,593,400 B2

Before KRISTEN L. DROESCH, NATHAN A. ENGELS, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Unopposed Motion for
Pro Hac Vice Admission of Brian Rosenthal
37 C.F.R. § 42.10(c)

On April 4, 2023, Petitioner filed a motion requesting *pro hac vice* admission of Brian Rosenthal. Paper 8 (“Motion”). Petitioner submitted a Declaration¹ from Mr. Rosenthal in support of the Motion. Paper 9.² Patent Owner has not opposed Petitioner’s motion.

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 *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”).

Petitioner’s lead counsel, Stuart Rosenberg, is a registered practitioner. Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Rosenthal has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Rosenthal has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Rosenthal meets all other requirements for admission *pro hac vice*. *See* Paper 9 ¶¶ 1–8.

¹ The Declaration indicates that it is “Pursuant to 37 C.F.R. § 1.68,” but it is not properly executed under § 1.68. We deem this to be harmless error because the Declaration is properly executed under 28 U.S.C. § 1746.

² Petitioner filed the Declaration as a Paper. We deem this to be harmless error, however, we remind Petitioner that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Rosenthal.

Petitioner filed a Power of Attorney including Mr. Rosenthal. Paper 2. Petitioner also filed a Mandatory Notice identifying Mr. Rosenthal as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 2, 3.

In consideration of the foregoing, it is hereby
ORDERED that Petitioner's Motion (Paper 8) for *pro hac vice* admission of Brian Rosenthal is *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Mr. Rosenthal is authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Rosenthal 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. Rosenthal 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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