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Paper: 9
Entered: October 18, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC., MICRON SEMICONDUCTOR PRODUCTS, INC., and MICRON TECHNOLOGY TEXAS LLC,[1]
Petitioner,

v.

NETLIST, INC.,
Patent Owner.

IPR2023-00405 (Patent 11,232,054 B2)
IPR2023-00406 (Patent 11,016,918 B2)

Before PATRICK M. BOUCHER, JON M. JURGOVAN, and DANIEL J. GALLIGAN, *Administrative Patent Judges.*

JURGOVAN, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Michael R. Rueckheim
37 C.F.R. § 42.10(c)

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[1] Micron Technology, Inc., Micron Semiconductor Products, Inc., and Micron Technology Texas LLC (collectively "Petitioner Micron") have been joined as petitioners in IPR2022-00996 and IPR2022-00999 with Samsung Electronics Co. Ltd. ("Petitioner Samsung") and have agreed to an understudy role in those proceedings. Paper 3 at 5–9.

On September 12, 2023, Petitioner filed a Motion for admission *pro hac vice* of Michael R. Rueckheim in each of the above-identified proceedings. IPR2023-00405, Paper 8 and IPR2023-00406, Paper 8 (collectively "the Motions").

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. A motion for *pro hac vice* admission requires a statement of facts showing there is good cause to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (Order Authorizing Motion for *Pro Hac Vice* Admission); *see also* Notice of Filing Date Accorded, Paper 4 (Notice").

In each Motion, Petitioner states that there is good cause for the Board to recognize Mr. Rueckheim *pro hac vice* during these proceedings because Mr. Rueckheim "is a litigation attorney with 16 years of litigation experience" and "has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding." Motions 1–3.

Each Motion is supported by a Declaration of Mr. Rueckheim (Ex. 1076) (collectively, "Declarations") that attests to the statements above and complies with the requirements set forth in the Notice. *See* Declarations ¶¶ 1–10.

Upon consideration, Petitioner has demonstrated that Mr. Rueckheim has 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 his experience. *See, e.g.*, Declarations ¶¶ 8–9; Motions, 1–3. Petitioner therefore has established good cause for admitting Mr. Rueckheim *pro hac vice* in each of these proceedings.

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. Rueckheim *pro hac vice*. Accordingly, Petitioner's Motions for *pro hac vice* admission of Mr. Rueckheim are *granted*.

Accordingly, it is

ORDERED that Petitioner's Motion (IPR2023-00405, Paper 8; and IPR2023-00406, Paper 8) for admission *pro hac vice* of Michael R. Rueckheim in each of the above-identified proceedings is *granted*; Mr. Rueckheim is authorized to act only as back-up counsel in these proceedings;

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

FURTHER ORDERED that Mr. Rueckheim shall comply with the Consolidated Trial Practice Guide, 84 Fed. Reg. 64,280 (Nov. 21, 2019),[2] 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. Rueckheim 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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[2] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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