

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION AND AFFIRMED NETWORKS, INC.,
Petitioner,

v.

LEMKO CORPORATION,
Patent Owner.

IPR2023-00529 (Patent 7,653,414 B2)
IPR2023-00531 (Patent 7,855,988 B2)¹

Before HUBERT C. LORIN, NEIL T. POWELL, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue one order to be entered in both cases.
The parties are not authorized to use this style heading for subsequent papers
without Board preapproval.

IPR2023-00529 (Patent 7,653,414 B2)
IPR2023-00531 (Patent 7,855,988 B2)

On February 26, 2024, Petitioner filed motions requesting *pro hac vice* admission of Michael R. Rueckheim in each of the above-identified proceedings. IPR2023-00529, Paper 23; IPR2023-00531, Paper 18 (collectively, “Motions”). Petitioner also submitted Declarations from Michael R. Rueckheim in support of the Motions. IPR2023-00529, Ex. 1019; IPR2023-00531, Ex. 1013 (collectively, “Declarations”). Petitioner indicates that the Motions are unopposed. IPR2023-00529, Paper 23, 1; IPR2023-00531, Paper 18, 1.

For the reasons provided below, Petitioner’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, 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. Rueckheim 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* IPR2023-00529, Ex. 1019; IPR2023-00529, Ex. 1013. Accordingly, Petitioner has established good cause for *pro hac vice*

IPR2023-00529 (Patent 7,653,414 B2)

IPR2023-00531 (Patent 7,855,988 B2)

admission of Mr. Rueckheim. Mr. Rueckheim will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Mr. Rueckheim in accordance with 37 C.F.R. § 42.10(b). IPR2023-00529, Paper 1; IPR2023-00531, Paper 1. Petitioner has also filed Mandatory Notices identifying Mr. Rueckheim as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-00529, Paper 3, 80; IPR2023-00531, Paper 3, 26–27.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner’s Motions for *pro hac vice* admission of Michael R. Rueckheim 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. Rueckheim is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Rueckheim be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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 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.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2023-00529 (Patent 7,653,414 B2)

IPR2023-00531 (Patent 7,855,988 B2)

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