

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

TAASERA LICENSING LLC,
Patent Owner.

IPR2023-00573 (Patent 8,955,038 B2)
IPR2023-00574 (Patent 9,923,918 B2)

Before WILLIAM V. SAINDON, ARTHUR M. PESLAK, and
KRISTIL R. SAWERT, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

ORDER

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

IPR2023-00573 (Patent 8,955,038 B2)

IPR2023-00574 (Patent 9,923,918 B2)

On October 2, 2023, Petitioner filed motions requesting *pro hac vice* admission of Michael R. Rueckheim in each of the above-identified proceedings (collectively “Original Motions”). Paper 13.¹ Petitioner also submitted Declarations from Michael R. Rueckheim in support of the Motions (collectively “Original Declarations”). Ex. 1008 (Oct. 2, 2023). On October 13, 2023, the Board notified Petitioner that the Original Motions and Original Declarations contained omissions and did not comply with the requirements of *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

With our authorization, on October 17, 2023, Petitioner filed revised motions requesting *pro hac vice* admission of Michael R. Rueckheim in each of the above-identified proceedings (collectively “Revised Motions”). Paper 15. Petitioner also submitted revised Declarations from Michael R. Rueckheim in support of the Revised Motions (collectively “Revised Declarations”). Ex. 1008 (Oct. 17, 2023).² Petitioner attests that Patent Owner does not oppose the Revised Motions. Paper 15, 1. For the reasons provided below, Petitioner’s Revised Motions are *granted* and Petitioner’s Original Motions are *dismissed* as moot.

¹ For purposes of expediency, we cite to Papers and Exhibits filed in IPR2023-00573. Petitioner filed similar Papers and Exhibits in IPR2023-00574.

² On October 18, 2023, the Board notified Petitioner that Mr. Rueckheim’s revised declaration in IPR2023-00574 was missing text due to formatting issues. With our authorization, Petitioner re-filed Mr. Rueckheim’s revised declaration, correcting the formatting issues, in IPR2023-00574. Ex. 1008 (Oct. 18, 2023).

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*.

Based on the facts set forth in the Revised Motions and the accompanying Revised 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 Ex. 1008 (Oct. 17, 2023)*. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Rueckheim. Mr. Rueckheim will be permitted to serve as back-up counsel only. *See 37 C.F.R. § 42.10(c)*.

In view of our decision to grant Petitioner's Revised Motions, we deem Petitioner's original motions requesting *pro hac vice* admission of Michael R. Rueckheim to be moot, and we do not consider the merits of the Original Motions.

We note that Petitioner filed a Power of Attorney including Mr. Rueckheim in accordance with 37 C.F.R. § 42.10(b). Paper 1, 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). Paper 2, 53.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Revised Motions for *Pro Hac Vice* Admission of Michael R. Rueckheim are *granted*;

FURTHER ORDERED that Petitioner's Original Motions for *Pro Hac Vice* Admission of Michael R. Rueckheim are *dismissed* as moot;

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 complies with the Patent Trial and Appeal Board 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;⁴ 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.*

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁴ Mr. Rueckheim declares that he will comply with the Board's Rules of Practice for Trials set forth in "part 42 of 37 C.P.R." rather than "part 42 of 37 CFR." Ex. 1008 § 5. We excuse this mistake on this occasion, noting Mr. Rueckheim will be subject to the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations.

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