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Paper No. 11
Entered: April 25, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC and YOUTUBE, LLC,
Petitioner,

v.

ROBOCAST, INC.,
Patent Owner.

IPR2023-00592 (Patent 8,965,932 B2)
IPR2023-00593 (Patent 8,965,932 B2)[1]

Before DAVID C. McKONE, PATRICK M. BOUCHER, and MICHAEL T. CYGAN, *Administrative Patent Judges.*

BOUCHER, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for *Pro Hac Vice*
Admission of Marc N. Henschke and Ramy E. Hanna
37 C.F.R. § 42.10(c)

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[1] This Order addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Order to be entered in each proceeding. The parties are not authorized to use a multi-proceeding caption.

On March 20, 2023, Patent Owner filed motions for admission *pro hac vice* of Marc N. Henschke and Ramy E. Hanna. Papers 7, 8.[2] Patent Owner also filed declarations of Marc N. Henschke (Ex. 2003[3]) and Ramy E. Hanna (Ex. 2001) in support of the Motions (collectively "Declarations"). Petitioner has not opposed the Motions.

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, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing motions for admission *pro hac vice* requires a statement of facts showing there is good cause for us 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) (setting forth requirements for admission *pro hac vice*).

In its Motions, Patent Owner states there is good cause to recognize Mr. Henschke and Mr. Hanna during this proceeding because Mr. Henschke and Mr. Hanna are experienced patent litigation attorneys with "over 15 years of experience in fact and expert discovery, *Markman* hearings, and trials in patent infringement matters" and "experience assisting Robocast on patent-related matters and . . . experience on the substantive and technical issues involved in this proceeding." Paper 7, 2; Paper 8, 2. The Declarations attest to and sufficiently explain these facts. *See* Ex. 2001 ¶ 8;

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[2] We cite to Papers filed in IPR2023-00592. On March 20, 2023, Patent Owner filed similar Motions in IPR2023-00593. Papers 7, 8.
[3] We cite to Exhibits filed in IPR2023-00592. On March 20, 2023, Patent Owner filed similar Declarations in IPR2023-00593. Ex. 2001; Ex. 2003.

Ex. 2003 ¶ 8. In addition, Mr. Henschke and Mr. Hanna agree to comply with the Consolidated Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37 of the C.F.R.,[4] and be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq*. *See* Ex. 2001 ¶¶ 5–6; Ex. 2003 ¶¶ 5–6.

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Henschke and Mr. Hanna have sufficient legal and technical qualifications to represent Patent Owner in this proceeding. In addition, Mr. Henschke and Mr. Hanna have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meet all other requirements for admission *pro hac vice*. Accordingly, good cause exists for granting admission *pro hac vice* to Mr. Henschke and Mr. Hanna. Mr. Henschke and Mr. Hanna will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

It is, therefore,

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Marc N. Henschke and Ramy E. Hanna are granted;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

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[4] The Declarations state that "I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R." Ex. 2001 ¶ 5; Ex. 2003 ¶ 5. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We deem this harmless error.

FURTHER ORDERED that Mr. Henschke and Mr. Hanna are authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Henschke and Mr. Hanna are to comply with the Consolidated Trial Practice Guide[5] (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. Henschke and Mr. Hanna 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*.

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

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