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Paper 28
Entered: May 8, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner.

IPR2023-00621 (Patent 8,020,083 B1)
IPR2023-00701 (Patent 8,510,407 B1)[1]

Before HUBERT C. LORIN, AMBER L. HAGY, and SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

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

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[1] This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties are not authorized to use this style heading in any subsequent papers.

Petitioner, Samsung Electronics Co., Ltd., filed Motions for admission *pro hac vice* of Michael Ballanco (Paper 24) in each of these proceedings (the "Motions" or "Mot.").[2] Petitioner submitted Declarations from Mr. Ballanco in support of the Motions. Ex. 1024. Petitioner states that Patent Owner does not oppose the Motions. Paper 24, 1.

Petitioner has not submitted Powers of Attorney for Mr. Ballanco in accordance with 37 C.F.R § 42.10(b). Petitioner has also not filed Mandatory Notices, identifying Mr. Ballanco as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). In view thereof, and for the reasons provided below, Petitioner's Motions are *conditionally granted*, and are to be effective after Petitioner files the aforementioned Powers of Attorney and Mandatory Notices.

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 admission *pro hac vice*, 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*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Ballanco has sufficient legal and technical qualifications to represent Petitioner in each of these proceedings,

[2] We cite to Papers and Exhibits in IPR2023-00621. Similar items were filed in IPR2023-00701.

that Mr. Ballanco has demonstrated sufficient litigation experience and familiarity with the subject matter of each of these proceedings, and that Mr. Ballanco meets all other requirements for admission *pro hac vice*. *See* Ex. 1024 ¶¶ 1–9.[3] Accordingly, Petitioner has established good cause for admission *pro hac vice* of Mr. Ballanco. Mr. Ballanco will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Petitioner's Motions (Paper 24) for admission *pro hac vice* of Michael Ballanco in each of the above-identified proceedings are *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner submits Powers of Attorney for Mr. Ballanco in accordance with 37 C.F.R. § 42.10(b) in each of these proceedings;

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

FURTHER ORDERED that Mr. Ballanco is authorized to act only as back-up counsel in these proceedings;

FURTHER ORDERED that Mr. Ballanco shall comply with the Consolidated Trial Practice Guide, 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;

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[3] The Declaration incorrectly states 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*** Code of Federal Regulations." Ex. 1024 ¶ 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. Emphasis added.

FURTHER ORDERED that Mr. Ballanco 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*.; and

FURTHER ORDERED that Petitioner shall file updated mandatory notices in these proceedings, within twenty-one (21) business days of the date of this order, according to 37 C.F.R. § 42.8(a)–(b), providing updated information regarding back-up counsel.

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