

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD. and
NINTENDO OF AMERICA INC.,
Petitioner,

v.

GAMEVICE, INC.,
Patent Owner.

IPR2023-00643
Patent 10,391,393 B2

Before JOSIAH C. COCKS and MATTHEW S. MEYERS, *Administrative
Patent Judges*.

MEYERS, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for *Pro Hac Vice* Admission of
Grant E. Kinsel and Kevin A. Zeck
37 C.F.R. § 42.10

On November 13, 2023, Petitioner filed motions requesting *pro hac vice* admission of Grant E. Kinsel and Kevin A. Zeck. Papers 13, 14 (collectively “Motions”). Petitioner also submitted Declarations from Grant E. Kinsel (Ex. 1031) and Kevin A. Zeck (Ex. 1032) in support of the Motions (collectively “Declarations”). Patent Owner has not indicated any opposition to the Motions.

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. Kinsel and Mr. Zeck each have sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Kinsel and Mr. Zeck have each demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Kinsel and Mr. Zeck meet all other requirements for admission *pro hac vice*. *See* Exs. 1031 and 1032. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Kinsel and Mr. Zeck. Mr. Kinsel and Mr. Zeck will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed Powers of Attorney including Mr. Kinsel and Mr. Zeck in accordance with 37 C.F.R. § 42.10(b). Papers 2, 3. Petitioner has also filed Mandatory Notices identifying Mr. Kinsel and Mr. Zeck as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 7.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Grant E. Kinsel and Kevin A. Zeck are *granted*;

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

FURTHER ORDERED that Mr. Kinsel and Mr. Zeck are authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Kinsel and Mr. Zeck comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (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. Kinsel and Mr. Zeck are 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.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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