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Paper 31
Date: 31 July 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.
GAMEVICE, INC.,
Patent Owner.

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IPR2023-00643
Patent 10,391,393 B2

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

MEYERS, *Administrative Patent Judge*.

# ORDER
Conditionally Granting Patent Owner's Motion for
*Pro Hac Vice* Admission of Karthik Kumar
*37 C.F.R. § 42.10*

On May 22, 2024, Patent Owner filed a motion requesting *pro hac vice* admission of Karthik Kumar. Paper 25 ("Motion"). Patent Owner also submitted a Declaration from Mr. Kumar in support of the Motion. Ex. 2005 ("Declaration"). Patent Owner indicates Petitioner does not oppose the Motion. Motion 2. For the reasons provided below, Patent Owner's Motion is *conditionally 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 Motion and the accompanying Declaration, we conclude that Mr. Kumar has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Motion; Declaration. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Kumar.

Our rules require, however, that "[a] power of attorney must be filed with the designation of counsel." 37 C.F.R. § 42.10(b). Patent Owner has not filed a Power of Attorney identifying Mr. Kumar. Therefore, Mr.

Kumar's *pro hac vice* admission will not be effective until Patent Owner files an updated Power of Attorney. Upon admission, Mr. Kumar will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We also remind Patent Owner that our rules require filing updated Mandatory Notices "within 21 days of a change of the information" regarding Patent Owner's representation by counsel. 37 C.F.R. §§ 42.8(a)(c), (b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 25) for *pro hac vice* admission of Karthik Kumar is *conditionally granted*, effective upon the filing of an updated Power of Attorney identifying Mr. Kumar;

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

FURTHER ORDERED that Mr. Kumar is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Kumar be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[1] (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. Kumar 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.*

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

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