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Paper No. 8
Entered: June 29, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC. and
MOTOROLA MOBILITY LLC,
Petitioner,

v.

THETA IP, LLC,
Patent Owner.

IPR2023-00694 (Patent 7,010,330 B1)
IPR2023-00697 (Patent 10,129,825 B2)
IPR2023-00698 (Patent 10,524,202 B2)[1]

Before THOMAS L. GIANNETTI, BARBARA A. BENOIT,
JEFFERY S. SMITH, *Administrative Patent Judges.*

GIANNETTI, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Unopposed Motion for Admission
*Pro Hac Vice* of Corey Johanningmeier
*37 C.F.R. § 42.10*

[1] This Order addresses issues that are the same in each of the identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading for any subsequent papers.

On May 23, 2023, Petitioner filed an Unopposed Motion for *Pro Hac Vice* Admission of Corey Johanningmeier in each of the above-captioned proceedings. Paper 7 ("Motion").[2] Petitioner also filed a Declaration of Mr. Johanningmeier in support of the Motion. Ex. 2001 ("Declaration"). Patent Owner represents that Petitioner does not oppose the Motion. Motion 2. For the reasons provided below, the Motion is *granted*.

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 *pro hac vice* admission 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* Paper 6, 2 (citing *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. Johanningmeier has sufficient legal and technical qualifications to represent Patent Owner in the above-captioned proceedings, that Mr. Johanningmeier has demonstrated sufficient familiarity with the subject matter of the proceedings, and that Mr. Johanningmeier meets all other requirements for admission *pro hac vice*. We further conclude that Patent Owner's interest in being represented in the above-captioned proceedings by counsel with litigation experience weighs in

[2] For purposes of expediency, we cite to the Motion and Declaration filed in IPR2023-00694, unless otherwise indicated. Petitioner filed a similar Motion and Declaration in IPR2023-00697 and IPR2023-00698.

favor of granting the Motion. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Johanningmeier. Mr. Johanningmeier will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner submitted a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) for Mr. Johanningmeier. *See* Paper 5. In addition, Patent Owner's mandatory notices identify Mr. Johanningmeier as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). *See* Paper 4.

Accordingly, it is:

ORDERED that Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Corey Johanningmeier in each of the above-captioned proceedings (IPR2023-00694, Paper 7; IPR2023-00697, Paper 7; IPR2023-00698, Paper 7) is *granted*;

FURTHER ORDERED that Mr. Johanningmeier is authorized to represent Patent Owner only as back-up counsel in the above-captioned proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the above-captioned proceedings;

FURTHER ORDERED that Mr. Johanningmeier is to comply with the Consolidated Trial Practice Guide[3] (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

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

FURTHER ORDERED that Mr. Johanningmeier 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.*

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