Trials@uspto.gov
Tel: 571-272-7822

Paper 16
Date: December 26, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

GOTV STREAMING, LLC,
Patent Owner.

IPR2023-00757 (Patent 8,989,715 B2)
IPR2023-00758 (Patent 8,478,245 B2)
IPR2023-00759 (Patent 8,103,865 B2)[1]

Before RICHARD M. LEBOVITZ, BRIAN J. McNAMARA, and STEVEN M. AMUNDSON, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Petitioner's Motions for Admission
Pro Hac Vice of Stephen A. Marshall
37 C.F.R. § 42.10

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[1] This combined caption is for administrative convenience only and does not indicate that IPR2023-00757, IPR2023-00758, and IPR2023-00759 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On December 19, 2023, Petitioner filed motions for admission *pro hac vice* of Stephen A. Marshall in each of the above-identified proceedings (collectively "Motions"). Paper 17.[2] Petitioner also filed declarations of Mr. Marshall in support of the Motions (collectively "Declarations"). Ex. 1024.[3] Petitioner represents that Patent Owner does not oppose the Motions. Paper 17, 1. 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, Paper 7 (PTAB Oct. 15, 2013) (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. Marshall has sufficient legal and technical qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission

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[2] For purposes of expediency, we cite to the paper filed in IPR2023-00757. Petitioner filed similar papers in IPR2023-00758 (Paper 17) and IPR2023-00759 (Paper 14).

[3] We cite to the exhibit filed in IPR2023-00757. Petitioner filed similar exhibits in IPR2023-00758 (Exhibit 1025) and IPR2023-00759 (Exhibit 1032).

pro hac vice. *See* Ex. 1024. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Marshall. Mr. Marshall will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner has filed a Power of Attorney including Mr. Marshall in accordance with 37 C.F.R. § 42.10(b). IPR2023-00757, Paper 15; IPR2023-00758, Paper 15; and IPR2023-00759, Paper 12. Petitioner has also filed Mandatory Notices identifying Mr. Marshall as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-00757, Paper 16; IPR2023-00758, Paper 16; and IPR2023-00759, Paper 13.

Accordingly, it is

ORDERED that Petitioner's Motions for *pro hac vice* admission of Stephen A. Marshall are *granted*;

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Marshall is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Marshall shall comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)),[4] and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;[5] and

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

[5] In the Declarations, Mr. Marshall references compliance 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* (as opposed to *part 42 of 37 C.F.R.*). *See, e.g.*, IPR2023-00757, Ex. 1024 ¶ 5. We excuse this mistake on this occasion, but remind Mr. Marshall that the Board's Rules

FURTHER ORDERED that Mr. Marshall 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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of Practice for Trials are set forth in *Part 42 of Title 37*, Code of Federal Regulations, and those rules will apply to Mr. Marshall.

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For PETITIONER:

Aliza George Carrano
Indranil Mukerji
J. Christopher Moulder
WILLKIE FARR & GALLAGHER LLP
acarrano@willkie.com
imukerji@willkie.com
cmoulder@willkie.com
Netflix-GTS-WFG@willkie.com

For PATENT OWNER:

Joshua S. Wyde
Steven T. Jugle
ALAVI & ANAIPAKOS PLLC
jwyde@aatriallaw.com
sjugle@aatriallaw.com
IPR2023-00757@aatriallaw.com
IPR2023-00758@aatriallaw.com
IPR2023-00759@aatriallaw.com