

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.

POLARIS POWERLED TECHNOLOGIES, LLC,  
Patent Owner.

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IPR2023-00778  
Patent 8,223,117 B2

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Before KALYAN K. DESHPANDE, *Acting Deputy Chief Administrative  
Patent Judge*, PHILLIP J. KAUFFMAN and KARA L. SZPONDOWSKI,  
*Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Unopposed Motion for *Pro Hac Vice* Admission of  
Mark. R. Weinstein and Dena Chen  
*37 C.F.R. § 42.10*

Nintendo Co., Ltd., and Nintendo of America Inc. (collectively “Petitioner”) filed motions for *pro hac vice* admission of Mark. R. Weinstein (Paper 11) and Dena Chen (Paper 12) in the above-listed proceeding (“Motions”). Petitioner also filed supporting declarations from Mr. Weinstein (Ex. 1037) and Ms. Chen (Ex. 1039). Petitioner states that the Motions are unopposed. Paper 11, 1; Paper 12, 1.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

The Board has reviewed the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met, and that there is good cause to admit Mr. Weinstein and Ms. Chen *pro hac vice*.

It is, therefore,

ORDERED that the Motion for *Pro Hac Vice* Admission of Mark. R. Weinstein is *granted* and Mr. Weinstein is authorized to represent Petitioner only as back-up counsel in this proceeding;

ORDERED that the Motion for *Pro Hac Vice* Admission of Dena Chen is *granted* and Ms. Chen is authorized to represent Petitioner only as back-up counsel in this proceeding;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-listed proceeding;

FURTHER ORDERED that Mr. Weinstein and Ms. Chen shall comply with the Office Patent Trial Practice Guide, as updated by the Consolidated Office Patent 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; and

FURTHER ORDERED that Mr. Weinstein and Ms. Chen are subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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PETITIONER:

Matthew Brigham  
mbrigham@cooley.com

Andrew Mace  
amace@cooley.com

PATENT OWNER:

Russell Tonkovich  
rtonkovich@feinday.com

David Alberti  
dalberti@feinday.com

Sal Lim  
slim@feinday.com

Jason Fitzsimmons  
jfitzsimmons-ptab@sternekessler.com

Michael Specht  
mspecht-ptab@sternekessler.com

Richard Bemben  
rbemben-ptab@sternekessler.com