

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORCEPOINT LLC,
Petitioner,

v.

OPEN TEXT INC.,
Patent Owner.

IPR2023-00784 (Patent 8,438,386 B2)
IPR2023-00786 (Patent 10,025,928 B2)¹

Before JUSTIN T. ARBES, BARBARA A. PARVIS, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

PER CURIAM.

ORDER

Granting Petitioner's Motions for *Pro Hac Vice* Admission
of Akshay S. Deoras and Nadia E. Haghigatian
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in the identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

Petitioner filed motions requesting *pro hac vice* admission of Akshay S. Deoras (Paper 7) and Nadia E. Haghighatian (Paper 8). The motions are supported, respectively, by declarations of Mr. Deoras (Ex. 1014) and Ms. Haghighatian (Ex. 1015).² Patent Owner has not opposed the Motions. *See* Paper 7, 1; Paper 8, 1.

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* Paper 5 at 2; *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”) (“*Unified Patents*”).

The Declarations (and corresponding portions of the Motions) do not fully comply with *Unified Patents* because Mr. Deoras and Ms. Haghighatian do not make the attestations required by *Unified Patents*. The declarants state they “have never been suspended or disbarred from practice before any court *or admission*” (Ex. 1014 ¶ 7 (emphasis added);

² For purposes of expediency, we refer to papers and exhibits filed in IPR2023-00784. Petitioner filed similar motions for Mr. Deoras (Paper 7) and Ms. Haghighatian (Paper 8) and declarations of Mr. Deoras (Ex. 1011) and Ms. Haghighatian (Ex. 1012) in IPR2023-00786. We refer to the motions filed in both proceedings as “Motions” and the declarations filed in both proceedings as “Declarations.”

Ex. 1015 ¶ 7 (emphasis added)) instead of “[n]o suspensions or disbarments from practice before any court *or administrative body*” (*Unified Patents*, Paper 7 at 3 (emphasis added)). Further, the declarants state they agree to be subject to disciplinary jurisdiction under 37 C.F.R. § 11.19(e) and the Code of Professional Responsibility (Ex. 1014 ¶ 11; Ex. 1015 ¶ 11) instead of the Office’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the USPTO Rules of Professional Conduct (*Unified Patents*, Paper 7 at 3). We excuse these oversights in this instance. *See* 37 C.F.R. § 42.5(b).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Deoras and Ms. Haghighatian have sufficient legal and technical qualifications to represent Petitioner in each respective proceeding, that Mr. Deoras and Ms. Haghighatian have demonstrated sufficient litigation experience and familiarity with the subject matter of each respective proceeding, and that Mr. Deoras and Ms. Haghighatian meet all other requirements for admission *pro hac vice*. *See* Exs. 1014, 1015. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Deoras and Ms. Haghighatian. Mr. Deoras and Ms. Haghighatian will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Mr. Deoras and Ms. Haghighatian in accordance with 37 C.F.R. § 42.10(b) as Paper 9 in each proceeding. Petitioner also has submitted a Mandatory Notice identifying Mr. Deoras and Ms. Haghighatian as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3) as Paper 10 in each proceeding.

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In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Akshay S. Deoras and Nadia E. Haghighatian are *granted*;

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

FURTHER ORDERED that Mr. Deoras and Ms. Haghighatian are authorized to represent Petitioner as back-up counsel only in each proceeding;

FURTHER ORDERED that Mr. Deoras and Ms. Haghighatian comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide³ (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. Deoras and Ms. Haghighatian 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.*

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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