

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED MICRO DEVICES, INC.,
Petitioner,

v.

REALTEK SEMICONDUCTOR CORPORATION,
Patent Owner.

IPR2023-00788 (Patent 9,590,582 B2)
IPR2023-00789 (Patent 7,936,245 B2)¹

Before KRISTINA M. KALAN, KIMBERLY McGRAW, and
BRIAN D. RANGE, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner's Motions for *Pro Hac Vice*
Admission of Joseph C. Masullo and Robert T. Vlasis
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each of the above-identified proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

On January 3, 2024, Petitioner filed Motions for *Pro Hac Vice* Admission of Joseph C. Masullo and Robert T. Vlasits in each of the above-identified proceedings. Papers 14, 15 (“Motions”).² The Motions are supported by Declarations of Mr. Masullo and Mr. Vlasits. Exs. 1041, 1042. Petitioner indicates Patent Owner does not oppose the Motions. Papers 14, 15.

“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 and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). For example, a motion for *pro hac vice* admission may be granted “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.*

Upon review of the record before us, we determine that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Masullo and Mr. Vlasits *pro hac vice*. In particular, Mr. Masullo declares that he has “experience in various aspects of patent infringement matters and have participated in multiple patent cases in federal courts,” and that he has “obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in” each proceeding. Ex. 1041 ¶ 7. Mr. Vlasits makes a similar declaration. Ex. 1042 ¶ 8.

Our rules provide, however, that “[a] power of attorney must be filed with the designation of counsel.” 37 C.F.R. § 42.10(b). Accordingly, Mr. Masullo’s and Mr. Vlasits’s admission in these proceedings will not be

² For expediency, we cite to papers in IPR2023-00788. Similar papers were filed in IPR2023-00789.

effective until the filing of a Power of Attorney designating Mr. Masullo and Ms. Vlasis in each proceeding. Petitioner is further reminded that “counsel must be identified” in updated Mandatory Notices “within 21 days of a change” in each proceeding. 37 C.F.R. § 42.8(a)(3), (b)(3).

It is, therefore,

ORDERED that Petitioner’s Motions for *Pro Hac Vice* Admission of Joseph C. Masullo and Robert T. Vlasis are conditionally granted, effective upon the filing of a Power of Attorney designating Mr. Masullo and Mr. Vlasis in each proceeding; Mr. Masullo and Mr. Vlasis will be authorized to act only as back-up counsel;

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

FURTHER ORDERED that Mr. Masullo and Mr. Vlasis are to comply with the 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. Masullo and Mr. Vlasis are to 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.*⁴

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

⁴ Mr. Masullo and Mr. Vlasis each state that they “will be subject to the USPTO Code of Professional Responsibility,” rather than the USPTO Rules of Professional Conduct. Exs. 1041 ¶ 6, 1042 ¶ 6. We deem this harmless error.

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