

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIANYANG BOE OPTOELECTRONICS TECHNOLOGY CO. LTD.,
WUHAN CHINA STAR OPTOELECTRONICS SEMICONDUCTOR
DISPLAY TECHNOLOGY CO., LTD., TIANMA MICROELECTRONICS
CO. LTD, and VISIONOX TECHNOLOGY, INC.,
Petitioner,

v.

SAMSUNG DISPLAY CO., LTD.,
Patent Owner.

IPR2023-00941
Patent 7,414,599 B2

Before JAMESON LEE, TERRENCE W. McMILLIN, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of Jared R. Frisch and Derek J. Andros
37 C.F.R. § 42.10

On February 2, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Jared R. Frisch and Derek J. Andros. Papers 20, 21 (collectively “Motions”). Patent Owner also submitted Declarations from Jared R. Frisch (Ex. 2006) and Derek J. Andros (Ex. 2007) in support of the Motions (collectively “Declarations”). Patent Owner attests that Petitioner does not oppose the Motions. Paper 20, 1, 3; Paper 21, 1, 3. For the reasons provided below, Patent Owner’s Motions are *conditionally 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 (PTAB Oct. 15, 2013) (Paper 7) (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. Frisch and Mr. Andros each have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Frisch and Mr. Andros have each demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Frisch and Mr. Andros meet all other requirements for admission *pro hac vice*. *See* Exs. 2006 and 2007. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Frisch and Mr. Andros. Mr. Frisch and Mr. Andros will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Frisch and Mr. Andros. Therefore, Patent Owner's Motions are *conditionally granted*, and are to be effective after Patent Owner files the aforementioned Power of Attorney.

Patent Owner has not filed updated Mandatory Notices identifying Mr. Frisch and Mr. Andros as back-up counsel. Therefore, Patent Owner must file updated Mandatory Notices identifying Mr. Frisch and Mr. Andros as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions (Papers 20 and 21) for *pro hac vice* admission of Jared R. Frisch and Derek J. Andros are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a Power of Attorney for Mr. Frisch and Mr. Andros in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated Mandatory Notices identifying Mr. Frisch and Mr. Andros as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Frisch and Mr. Andros are authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Frisch and Mr. Andros comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (84

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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. Frisch and Mr. Andros 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.*

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