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Paper: 7
Entered: August 21, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

IPR2023-00945 (Patent 10,664,143 B2)
IPR2023-00946 (Patent 9,727,217 B2)
IPR2023-00947 (Patent 10,248,298 B2)[1]

Before MICHAEL R. ZECHER, PATRICK R. SCANLON, CHRISTOPHER L. OGDEN, and IFTIKHAR AHMED, *Administrative Patent Judges*.[2]

OGDEN, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Cliff Win, Jr.
37 C.F.R. § 42.10(c)

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[1] The combined caption is for administrative convenience only and does not indicate that IPR2023-00945, IPR2023-00946 and IPR2023-00947 have been joined. The parties are not authorized to use this caption without express permission from the Board.

[2] This is not an expanded panel. The panel for IPR2023-00945 and IPR2023-00946 includes Judges Scanlon, Ogden, and Ahmed. The panel for IPR2023-00947 includes Judges Zecher, Scanlon, and Ogden.

On August 9, 2023, Patent Owner filed Motions for Admission *Pro Hac Vice* of Cliff Win, Jr. in each of the above-identified proceedings (collectively "Motions"). Paper 6.[3] Patent Owner also submitted Declarations of Cliff Win, Jr. in support of the Motions (collectively "Declarations"). Ex. 2001.

Patent Owner attests that Petitioner does not oppose the Motions. Paper 6 ¶ 4.

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, 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. Win has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission

[3] For expediency, we cite to papers and exhibits filed in IPR2023-00945. Patent Owner filed corresponding papers and exhibits in both IPR2023-00946 and in IPR2023-00947.

pro hac vice. *See* Ex. 2001; Paper 6.[4] Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Win. Mr. Win will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner has not filed a Power of Attorney designating Mr. Win in accordance with 37 C.F.R. § 42.10(b). Therefore, Patent Owner's Motions are *conditionally granted*, effective after Patent Owner files the aforementioned Power of Attorney in each proceeding.

Patent Owner has not filed updated Mandatory Notices identifying Mr. Win 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 for *pro hac vice* admission of Cliff Win, Jr. are *conditionally granted*, provided that within 10 business days of this Order, Patent Owner must submit a Power of Attorney for Mr. Win in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that, in accordance with 37 C.F.R. § 42.8(a)(3), Patent Owner must file updated Mandatory Notices identifying Cliff Win, Jr. as back-up counsel in each of the above-identified proceedings within 21 business days of this Order;

[4] Mr. Win's declarations list a number of Board proceedings to which he has been admitted *pro hac vice* in the last three years, but this list omits IPR2022-01293. *See* IPR2023-00945, Ex. 2001 ¶ 8; IPR2022-01293, Paper 15 (PTAB Feb. 7, 2023). We regard this omission as harmless.

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

FURTHER ORDERED that Mr. Win will be authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Win comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[5] (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. Win is 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.*

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

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