

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
Petitioner,

v.

GENERAL ACCESS SOLUTIONS, LTD.,
Patent Owner.

IPR2023-00978
Patent 7,230,931 B2

Before MELISSA A. HAAPALA, *Acting Deputy Chief Administrative
Patent Judge*, KEN B. BARRETT and TERRENCE W. MCMILLIN,
Administrative Patent Judges.

BARRETT, *Administrative Patent Judge*.

ORDER

*Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Brian A. Rosenthal
37 C.F.R. § 42.10*

On September 3, 2024, Petitioner filed a motion requesting *pro hac vice* admission of Brian A. Rosenthal. Paper 37 (“Motion”). Petitioner also submitted a Declaration from Brian A. Rosenthal in support of the Motion. Ex. 1033 (“Declaration”). Patent Owner has not opposed the Motion.

For the reasons provided below, Petitioner’s Motion is *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 Motion and the accompanying Declaration, we conclude that Mr. Rosenthal has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1033. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Rosenthal. Mr. Rosenthal will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Petitioner has filed a Mandatory Notice identifying Mr. Rosenthal as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 36.

Upon review of the record before us, we note, however, that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Rosenthal.¹ Therefore, Petitioner's Motion is ***conditionally granted***, **and is to be effective after Petitioner files the aforementioned Power of Attorney.**

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 37) for *pro hac vice* admission of Brian A. Rosenthal is *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner submits a Power of Attorney for Mr. Rosenthal in accordance with 37 C.F.R. § 42.10(b);

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

FURTHER ORDERED that Mr. Rosenthal is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Rosenthal be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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. Rosenthal is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules

¹ We note that Petitioner has provided a Power of Attorney for "the Practitioners of Venable LLP, associated with Customer Number 05514." See Paper 1. Mr. Rosenthal, however, is not associated with Customer Number 05514.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2023-00978
Patent 7,230,931 B2

of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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IPR2023-00978
Patent 7,230,931 B2

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