

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
META PLATFORMS TECHNOLOGIES, LLC, and
TWISTED PIXEL GAMES, LLC,
Petitioner,

v.

EIGHT KHZ, LLC,
Patent Owner.

IPR2023-01023
Patent 10,798,509 B1

Before JUSTIN T. ARBES, LYNNE H. BROWNE, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

BROWNE, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Erik Dykema
37 C.F.R. § 42.10

On October 11, 2024, Patent Owner filed a motion requesting *pro hac vice* admission of Erik Dykema. Paper 42 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Erik Dykema in support of the Motion. Ex. 2013 (“Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Paper 42, 2.

For the reasons provided below, Patent Owner’s Motion is *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. Dykema has sufficient legal and technical qualifications to represent Patent Owner 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. 2013. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Dykema. Mr. Dykema will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Mr. Dykema in accordance with 37 C.F.R. § 42.10(b). Paper 41. Patent Owner

has also filed a Mandatory Notice identifying Mr. Dykema as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 40.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 42) for *pro hac vice* admission of Erik Dykema is *granted*;

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. Dykema is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Dykema be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (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. Dykema 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.*

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

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