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571-272-7822

Paper: 32
Entered: June 7, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

AX WIRELESS, LLC,
Patent Owner.

IPR2023-01135 (Patent 9,973,361 B2)
IPR2023-01136 (Patent 10,079,707 B1)
IPR2023-01137 (Patent 10,291,449 B2)
IPR2023-01138 (Patent 10,554,459 B2)
IPR2023-01139 (Patent 10,917,272 B2)
IPR2023-01145 (Patent 11,212,146 B2)[1]

Before KRISTEN L. DROESCH, TERRENCE W. McMILLIN,
JOHN D. HAMANN, and MICHAEL T. CYGAN,
Administrative Patent Judges.[2]

PER CURIAM.

ORDER
Conditionally Granting AX Wireless, LLC's Motions for *Pro Hac Vice*
Admission of Allison Harms and Granting Motions for *Pro Hac Vice*
Admission of David J. Hlavka
37 C.F.R. § 42.10

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[1] The combined caption is for administrative convenience only and does not indicate that these proceedings have been joined. The parties are not authorized to use this caption without express permission of the Board.
[2] This is not an expanded panel of the Board. It is a listing of all the Judges on the panels of the above-listed proceedings.

Patent Owner filed motions requesting *pro hac vice* admission of Allison Harms and corrected motions requesting *pro hac vice* admission of David J. Hlavka in each of the above-identified proceedings (collectively "Motions"). Papers 23, 26.[3] Patent Owner also submitted Declarations from Allison Harms (Ex. 2042) and corrected Declarations from David J. Hlavka (Ex. 2043) in support of the Motions (collectively "Declarations").[4] Patent Owner attests that Petitioner does not oppose the Motions. Paper 23, 1; Paper 26, 1.

For the reasons provided below, Patent Owner's Motions are *granted* with respect to Mr. Hlavka and *conditionally granted* with respect to Ms. Harms.

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

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[3] We cite to Papers filed in IPR2023-01135. Patent Owner filed similar Motions in IPR2023-01136 (Papers 23, 26), IPR2023-01137 (Papers 23, 26), IPR2023-01138 (Papers 23, 26), IPR2023-01139 (Papers 25, 28), and IPR2023-01145 (Papers 24, 27).

[4] We cite to Exhibits filed in IPR2023-01135. Patent Owner filed similar Declarations in IPR2023-01136 (Exs. 2042, 2043), IPR2023-01137 (Exs. 2042, 2043), IPR2023-01138 (Exs. 2042, 2043), IPR2023-01139 (Exs. 2042, 2043), and IPR2023-01145 (Exs. 2042, 2043).

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 Ms. Harms and Mr. Hlavka each have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Ms. Harms and Mr. Hlavka have each demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Ms. Harms and Mr. Hlavka meet all other requirements for admission *pro hac vice*. *See* Exs. 2042, 2043. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Harms and Mr. Hlavka. Ms. Harms and Mr. Hlavka will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed Powers of Attorney including Mr. Hlavka in accordance with 37 C.F.R. § 42.10(b), but has not filed Powers of Attorney including Ms. Harms. IPR2023-01135, Paper 3; IPR2023-01136, Paper 3; IPR2023-01137, Paper 3; IPR2023-01138, Paper 3; IPR2023-01139, Paper 4; IPR2023-01145, Paper 4. Accordingly, Patent Owner's Motions are granted with respect to Mr. Hlavka, and are conditionally granted with respect to Ms. Harms and are to be effective after Patent Owner files the aforementioned Powers of Attorney. Patent Owner has filed Mandatory Notices identifying Ms. Harms and Mr. Hlavka as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-01135, Paper

15; IPR2023-01136, Paper 15; IPR2023-01137, Paper 15; IPR2023-01138, Paper 15; IPR2023-01139, Paper 17; IPR2023-01145, Paper 13.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of David J. Hlavka are *granted* in each of the above-identified proceedings;

FURTHER ORDERED that Patent Owner's Motions for *pro hac vice* admission of Allison Harms are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit Powers of Attorney for Ms. Harms in accordance with 37 C.F.R. § 42.10(b) in each of the above-identified proceedings;

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. Hlavka and Ms. Harms are authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Hlavka and Ms. Harms be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[5] (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

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

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IPR2023-01145 (Patent 11,212,146 B2)

FURTHER ORDERED that Mr. Hlavka and Ms. Harms 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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