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Paper 12
Entered: June 24, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

HEADWATER RESEARCH LLC,
Patent Owner.

IPR2023-01336 (Patent 9,137,701 B2)
IPR2023-01360 (Patent 9,609,544 B2)[1]

Before ROBERT J. WEINSCHENK, GARTH D. BAER, STEPHEN E. BELISLE, and RUSSELL E. CASS, *Administrative Patent Judges*.[2]

PER CURIAM.

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

[1] This Order addresses issues that are the same in each of the above-identified proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

[2] This listing of Administrative Patent Judges does not indicate an expanded panel has been created in either of the above-identified proceedings.

On June 7, 2024, Patent Owner filed a motion requesting *pro hac vice* admission of James Pickens in each of the above-identified proceedings. Paper 11 ("Motion").[3] Patent Owner also submitted a declaration from Mr. Pickens in support of each Motion. Ex. 2008 ("Declaration"). Patent Owner indicates Petitioner does not oppose the Motions. Motion 2. For the reasons provided below, Patent Owner's Motions are *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. Pickens 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 *pro hac vice*. *See* Motion; Declaration. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Pickens.

[3] For expediency, we cite to papers in IPR2023-01336. Similar papers were filed in IPR2023-01360.

We remind Patent Owner that our rules require filing updated Mandatory Notices "within 21 days of a change of the information" regarding Patent Owner's representation by counsel. 37 C.F.R. §§ 42.8(a)(c), (b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Pickens are *granted*;

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

FURTHER ORDERED that Mr. Pickens is authorized to represent Patent Owner as back-up counsel only in these proceedings;

FURTHER ORDERED that Mr. Pickens be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (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. Pickens 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.*

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

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