

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
Petitioners,

v.

WOODBURY WIRELESS, LLC,
Patent Owner.

IPR2023-01364
Patent 10,211,895 B2

Before MICHAEL J. STRAUSS, BRIAN J. McNAMARA, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

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

Patent Owner filed a Motion requesting *pro hac vice* admission of Derek Dahlgren. Paper 6. The Motion is supported by an Affidavit of Mr. Dahlgren. Ex. 2001.

Petitioner has not opposed the Motion at this time.

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 Motion and the accompanying Affidavit, we conclude that Mr. Dahlgren has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Dahlgren has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Dahlgren meets all other requirements for admission *pro hac vice*. *See* Ex. 2001 ¶¶ 1–6, 9, 10.¹

¹ In connection with the Board’s Rules of Practice for Trials, the Affidavit refers to “part 42 of the C.F.R.” (Ex. 2001 ¶ 5) instead of “part 42 of 37 C.F.R.” (*Unified Patents* at 3) (emphasis added). Furthermore, the Affidavit refers to the “Code of Professional Responsibility” instead of the “Rules of Professional Conduct” (*Unified Patents* at 3). The Motion has the same discrepancies and in addition refers to “37 C.F.R. § 10.20” instead of “37 C.F.R. §§ 11.101.” With regard to listing of prior *pro hac vice* applications in the last three years, the Affidavit lists only IPR proceedings

Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Dahlgren. Mr. Dahlgren 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. Dahlgren, in accordance with 37 C.F.R. § 42.10(b) as Paper 5. Patent Owner also has submitted a Mandatory Notice identifying Mr. Dahlgren as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3) as Paper 4.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Derek Dahlgren is *granted*.

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

FURTHER ORDERED that Mr. Dahlgren is authorized to represent Patent Owner as back-up counsel only;

FURTHER ORDERED that Mr. Dahlgren be familiar with the Patent Trial and Appeal Board's 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. Dahlgren is subject to the Office's

and should have listed "[a]ll other proceedings before the Office" (*Unified Patents* at 3), such as PGR2022-00013. We excuse these occurrences in this instance.

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

IPR2023-01364
Patent 10,211,895 B2

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.*

IPR2023-01364
Patent 10,211,895 B2

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