

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LAM RESEARCH CORP.,
Petitioner,

v.

INPRIA CORP.,
Patent Owner.

IPR2024-00033
Patent 9,823,564 B2

Before GRACE KARAFFA OBERMANN, CHRISTOPHERM. KAISER,
and DEBRA L. DENNETT, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Mr. Zachary D. Miller
37 C.F.R. § 42.10

Petitioner filed a motion requesting *pro hac vice* admission of Mr. Zachary D. Miller in the above-identified proceeding (“Motion”). Paper 36. Petitioner also submitted a Declaration from Mr. Miller in support of the Motion (“Declaration”). Paper 37.¹ Petitioner represents that Patent Owner does not oppose the Motion. Mot. 1.

For the reasons provided below, the Motion is *conditionally granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), 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. Miller has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that he has demonstrated sufficient familiarity with the subject matter of this proceeding, that he meets all other requirements for admission *pro hac vice*, and that Petitioner’s intent to be represented by counsel with litigation

¹ Petitioner filed the Declaration as a paper instead of as an exhibit. Paper 37. We excuse that mistake on this occasion, but remind the parties that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Miller, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c)(1).

Upon review of the record before us, we observe that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Miller. Therefore, Petitioner's Motion is *conditionally granted*, and shall be effective provided Petitioner files the aforementioned Power of Attorney within ten (10) business days of the date of this order.

In addition, Petitioner has not filed updated Mandatory Notices identifying Mr. Miller as back-up counsel. Therefore, also within ten (10) business days of the date of this order, Petitioner must file updated Mandatory Notices identifying Mr. Miller as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

It is

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

FURTHER ORDERED that, within ten (10) business days of the date of this order, Petitioner must file an updated Mandatory Notice identifying Mr. Miller as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel;

FURTHER ORDERED that Mr. Miller is authorized to represent Petitioner only as back-up counsel;

FURTHER ORDERED that Mr. Miller 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. Miller 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.*

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

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