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Paper # 28
Entered: September 13, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD and FUBOTV MEDIA INC.,
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00043[1] (Patent 11,677,798 B2)
IPR2024-00044 (Patent 11,470,138 B2)
IPR2024-00045 (Patent 10,469,554 B2)
IPR2024-00046 (Patent 10,951,680 B2)
IPR2024-00146 (Patent 10,469,555 B2)[2]

Before THU A. DANG, JOHN A. HUDALLA, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

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[1] fuboTV Media Inc., which filed petitions in IPR2024-00901, IPR2024-00902, IPR2024-00903, IPR2024-00904, and IPR2024-00905, has been joined as a petitioner in IPR2024-00043, IPR2024-00044, IPR2024-00045, IPR2024-00046, and IPR2024-00146, respectively.

[2] This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties are not authorized to use this caption style in any subsequent papers.

ORDER
Conditionally Granting Petitioner's Motions for Admission *Pro Hac Vice* of Parker G. Zimmerman
37 C.F.R. § 42.10

Aylo Freesites Ltd. (hereinafter "Petitioner") filed a Motion for admission *pro hac vice* of Parker G. Zimmerman (Paper 26) in each of these proceedings (the "Motions" or "Mot.").[3] Petitioner submitted Declarations from Mr. Zimmerman in support of the Motions. Ex. 1017. Petitioner states that Patent Owner does not oppose the Motions. Mot. 1.

Petitioner has not submitted Powers of Attorney for Mr. Zimmerman in accordance with 37 C.F.R § 42.10(b). Petitioner also has not filed Mandatory Notices, identifying Mr. Zimmerman as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). In view thereof, and for the reasons provided below, Petitioner's Motions are *conditionally granted*, and are to be effective after Petitioner files the aforementioned Powers of Attorney and Mandatory Notices.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. In authorizing a motion for admission *pro hac vice*, 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

[3] We cite to Papers and Exhibits in IPR2024-00043. Similar documents were filed in IPR2024-00044, IPR2024-00045, IPR2024-00046, and IPR2024-00146.

of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*) (*cited in* Paper 3, 2).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Zimmerman has sufficient legal and technical qualifications to represent Petitioner in each of these proceedings, that Mr. Zimmerman has demonstrated sufficient litigation experience and familiarity with the subject matter of each of these proceedings, and that Mr. Zimmerman meets all other requirements for admission *pro hac vice*. *See* Ex. 1017 ¶¶ 2–16.[4] Accordingly, Petitioner has established good cause for admission *pro hac vice* of Mr. Zimmerman. Mr. Zimmerman will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Petitioner's Motions for admission *pro hac vice* of Parker G. Zimmerman are *conditionally granted*, provided that within ten (10) business days of the date of this Order, Petitioner submits in each of

[4] Mr. Zimmerman states in the Declarations that he has "read and will comply with . . . the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations." Ex. 1017 ¶ 10. The Board's Rules of Practice for Trials are set forth in Part 42 *of Title 37* of the Code of Federal Regulations. We consider this to be harmless error.

these proceedings a Power of Attorney for Mr. Zimmerman under 37 C.F.R. § 42.10(b) and updated mandatory notices under 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 for these proceedings;

FURTHER ORDERED that Mr. Zimmerman is authorized to act only as back-up counsel in these proceedings;

FURTHER ORDERED that Mr. Zimmerman shall comply with the Consolidated Trial Practice Guide, 84 Fed. Reg. 64,280 (Nov. 21, 2019), and 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. Zimmerman shall be 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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