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Paper # 10
Entered: January 8, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIVINT, INC.,
Petitioner,

v.

FRACTUS S.A.,
Patent Owner.

IPR2024-00087 (Patent 8,738,103)
IPR2024-00088 (Patent 11,349,200)
IPR2024-00089 (Patent 8,994,604)[1]

Before KARL D. EASTHOM, KEVIN C. TROCK, and JOHN A. HUDALLA, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motions for Admission *Pro Hac Vice* of Larry Shatzer
37 C.F.R. § 42.10

[1] This Order addresses the same issue for the above-identified proceedings. The parties must obtain prior authorization to employ this heading style.

Patent Owner, Fractus S.A., filed Motions for admission *pro hac vice* of Larry Shatzer (Paper 6) in each of these proceedings (the "Motions" or "Mot.").[2] Patent Owner submitted Declarations from Mr. Shatzer in support of the Motions. Ex. 2001. Petitioner has not opposed the Motions.

Patent Owner has not submitted a power of attorney for Mr. Shatzer in accordance with 37 C.F.R § 42.10(b). In view thereof, and for the reasons provided below, Patent Owner's Motions are *conditionally granted*, and shall only become effective after Patent Owner files a power of attorney for Mr. Shatzer in each case.

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 *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*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Shatzer has sufficient legal and technical qualifications to represent Patent Owner in each of these proceedings, that Mr. Shatzer has demonstrated sufficient litigation experience and familiarity with the subject matter of each of these proceedings, and that Mr. Shatzer meets all other requirements for admission *pro hac vice*. *See* Ex. 2001

[2] We cite to Papers and Exhibits in IPR2024-00087. Similar items were filed in IPR2024-00088 and IPR2024-00089.

¶¶ 2–9. Accordingly, Patent Owner has established good cause for admission *pro hac vice* of Mr. Shatzer. Mr. Shatzer will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c). Patent Owner has filed Updated Mandatory Notices, identifying Mr. Shatzer as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 7.

Accordingly, it is

ORDERED that Patent Owner's Motions for admission *pro hac vice* of Larry Shatzer in each of the above-identified proceedings are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a power of attorney for Mr. Shatzer in accordance with 37 C.F.R. § 42.10(b) in each of these proceedings;

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. Shatzer is authorized to act only as back-up counsel in these proceedings;

FURTHER ORDERED that Mr. Shatzer 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. Shatzer 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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