

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLR WORLDWIDE SALES LIMITED,
Petitioner,

v.

FLIP PHONE GAMES, INC.,
Patent Owner.

IPR2024-00133
Patent 8,688,089 B2

Before DAVID C. McKONE, DANIEL J. GALLIGAN, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Motion
for Admission *Pro Hac Vice* of Steven D. Moore
37 C.F.R. § 42.10

On January 8, 2025, Patent Owner filed a motion for admission *pro hac vice* of Steven D. Moore in this proceeding. Paper 18. The Motion relies on a Declaration from Mr. Moore, contained within the Motion.¹ *Id.* at 4–6. Patent Owner indicates that the Motion is unopposed. *Id.* at 3.

For the reasons provided below, Patent Owner’s Motion is *conditionally granted*.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB 2013) (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. Moore has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that he has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that he meets all other requirements for admission *pro hac vice*. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Moore, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c).

¹ Patent Owner is reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a).

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Moore. Therefore, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

Patent Owner has not filed updated Mandatory Notices identifying Mr. Moore as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Mr. Moore as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

ORDER

It is:

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

FURTHER ORDERED that Patent Owner must file an updated Mandatory Notice identifying Mr. Moore as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Mr. Moore is authorized to represent Patent Owner as back-up counsel for this proceeding;

FURTHER ORDERED that Mr. Moore is to be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 2019), *available at* <https://www.uspto.gov/>

TrialPracticeGuideConsolidated, and comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Moore is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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