

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner,

v.

MONARCH NETWORKING SOLUTIONS LLC,
Patent Owner.

IPR2024-00175
Patent 8,693,369 B2

Before THU A. DANG, CHARLES J. BOUDREAU, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Christopher Sabbagh
37 C.F.R. § 42.10

On December 20, 2024, Petitioner filed a motion requesting *pro hac vice* admission of Christopher Sabbagh. Paper 24 (“Motion”). Petitioner also submitted a declaration from Mr. Sabbagh in support of the Motion. Ex. 1047 (“Declaration”).¹ Patent Owner has not opposed the Motion. For the reasons provided below, Petitioner’s Motion is *conditionally granted*.

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 (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. Sabbagh has sufficient litigation experience and legal familiarity with the subject matter of these proceedings,

¹ Mr. Sabbagh provides that he, “being duly sworn and upon oath, hereby attest[s]” to the statements in the Declaration. Ex. 1047, 1. This language, however, is normally associated with an affidavit, which requires undertaking an oath before a notarial officer whose seal and signature appear on the document. *See* 37 C.F.R. § 1.66. These items are missing from Exhibit 1047, and so it is not a proper affidavit. Nevertheless, a declaration may be provided in lieu of an affidavit. *See* 37 C.F.R. § 42.2 (“Affidavit means affidavit or declaration under § 1.68 of this chapter.”). Here, Exhibit 1047 suffices as a proper declaration under our rules. *See* Ex. 1047 ¶ 10; 37 C.F.R. § 1.68. The language regarding “being duly sworn and upon oath” (Ex. 1047, 1) is deemed harmless error.

and meets all other requirements for admission *pro hac vice*. See Paper 24; Ex. 1047. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Sabbagh.

Our rules also require, however, that “[a] power of attorney must be filed with the designation of counsel.” 37 C.F.R. § 42.10(b). Petitioner has not filed a Power of Attorney identifying Mr. Sabbagh. Therefore, Mr. Sabbagh’s *pro hac vice* admission will not be effective until Petitioner files an updated Power of Attorney. Upon admission, Mr. Sabbagh will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We also remind Petitioner that our rules further require filing updated Mandatory Notices “within 21 days of a change of the information” regarding Petitioner’s representation by counsel. 37 C.F.R. §§ 42.8(a)(3), (b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Petitioner’s Motion (Paper 24) for *pro hac vice* admission of Christopher Sabbagh is *conditionally granted*, effective upon the filing of an updated Power of Attorney identifying Mr. Sabbagh;

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

FURTHER ORDERED that Mr. Sabbagh is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Sabbagh be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg.

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

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. Sabbagh 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.*

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