

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

MOBILE DATA TECHNOLOGIES LLC,
Patent Owner.

IPR2024-00246 (Patent 8,793,336 B2)
IPR2024-00247 (Patent 8,825,801 B2)
IPR2024-00248 (Patent 9,032,039 B2)
IPR2024-00249 (Patent 9,619,578 B2)
IPR2024-00250 (Patent 9,922,348 B2)
IPR2024-00251 (Patent 10,839,427 B2)¹

Before CHRISTOPHER M. KAISER, KEVIN C. TROCK, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Mark R. Weinstein
37 C.F.R. § 42.10

¹ This order addresses an issue common to the above cases. The parties may not use this style caption unless authorized.

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Petitioner filed motions requesting *pro hac vice* admission of Mark R. Weinstein in each of the above-identified proceedings (collectively “Motions”). Paper 15.² Petitioner also submitted Declarations from Mr. Weinstein in support of the Motions (collectively “Declarations”). Ex. 1031. Petitioner states that Patent Owner does not oppose the Motions. Mot. 1.

For the reasons provided below, the Motions are *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. Weinstein 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*,

² For purposes of expediency, we cite to Papers and Exhibits filed in IPR2024-00246. Petitioner filed similar Papers and Exhibits in IPR2024-00247, IPR2024-00248, IPR2024-00249, IPR2024-00250, and IPR2024-00251.

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and that Petitioner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Weinstein, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Mr. Weinstein in accordance with 37 C.F.R. § 42.10(b). Paper 1. Petitioner has also filed a Mandatory Notice identifying Mr. Weinstein as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mark R. Weinstein are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Weinstein is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Weinstein comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide³ (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. Weinstein is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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