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Paper 28
Entered: October 7, 2024

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*.

PER CURIAM.

ORDER
Granting Patent Owner's Motions for
Pro Hac Vice Admission of Erik Dykema
37 C.F.R. § 42.10

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

Patent Owner filed motions requesting *pro hac vice* admission of Erik Dykema in each of the above-identified proceedings (collectively "Motions"). Paper 23.[2] Patent Owner also submitted Declarations from Mr. Dykema in support of the Motions (collectively "Declarations"). Ex. 2007. Patent Owner states that Petitioner does not oppose the Motions. Mot. 2.

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. Dykema has sufficient legal and technical qualifications to represent Patent Owner 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. Patent Owner filed similar Papers and Exhibits in IPR2024-00247, IPR2024-00248, IPR2024-00249, IPR2024-00250, and IPR2024-00251.

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

We note that Patent Owner filed an updated Power of Attorney including Mr. Dykema in accordance with 37 C.F.R. § 42.10(b). Paper 22. Patent Owner has also filed updated Mandatory Notices identifying Mr. Dykema as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 21.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Erik Dykema are *granted*;

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

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

FURTHER ORDERED that Mr. Dykema be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[3] (84 Fed. Reg. 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. Dykema is subject to the Office's

[3] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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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