

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DROPBOX, INC.,
Petitioner,

v.

MOTION OFFENSE, LLC,
Patent Owner.

IPR2024-00286 and IPR2024-00287
Patent 11,611,520 B1¹

Before THOMAS L. GIANNETTI, NORMAN H. BEAMER, and SCOTT
RAEVSKY, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

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

¹ The combined caption is for administrative convenience only and does not indicate that IPR2024-00286 and IPR2024-00287 have been joined. Parties are not authorized to use this caption without express Board permission.

On February 22, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Derek Dahlgren in each of the above-identified proceedings (collectively “Motions”). Paper 8.² Patent Owner also submitted declarations from Derek Dahlgren in support of the Motions (collectively “Declarations”³). Ex. 2001.⁴ Petitioner has not opposed the Motions. For the reasons provided below, Patent Owner’s 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 Motions and the accompanying Declarations,⁵ we conclude that Mr. Dahlgren has sufficient legal and

² For purposes of expediency, we cite to Papers filed in IPR2024-00286. Patent Owner filed a similar Motion in IPR2024-00287 (Paper 8).

³ Although Mr. Dahlgren, and Patent Owner’s Motions, state that Mr. Dahlgren has submitted affidavits at Exhibits 2001, Exhibits 2001 are in fact declarations under 37 C.F.R. § 1.68, not affidavits (which require the seal and signature of a notarial officer).

⁴ We cite to Exhibits filed in IPR2024-00286. Patent Owner filed a similar Declaration in IPR2024-00287 (Ex. 2001).

⁵ *Unified Patents* indicates that “A motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the

technical qualifications to represent Patent Owner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. See Ex. 2001. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Dahlgren. Mr. Dahlgren will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Patent Owner has filed a Power of Attorney including Mr. Dahlgren in accordance with 37 C.F.R. § 42.10(b). IPR2024-00286, Paper 6; and IPR2024-00287, Paper 6. Patent Owner also has filed Mandatory Notices identifying Mr. Dahlgren as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2024-00286, Paper 7; and IPR2024-00287, Paper 7.

In consideration of the foregoing, it is hereby

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

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

Office for which the individual has applied to appear *pro hac vice* in the last three (3) years.” See *Unified Patents*, Paper 7 at 3. The Declarations of Mr. Dahlgren note that Mr. Dahlgren “ha[s] been admitted to appear *pro hac vice* before the Office in *Inter Partes* Review proceeding(s) in the last three (3) years” but do not identify the proceedings before the Office for which Mr. Dahlgren has *applied* to appear *pro hac vice* in the last three years. See Ex. 2001 ¶ 7. For the purposes of this Order, we deem this harmless error, observing that Mr. Dahlgren has indeed applied and was admitted to appear *pro hac vice* in over 15 trials including *inter partes* and post grant reviews.

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

FURTHER ORDERED that Mr. Dahlgren be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁶ (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;⁷ and

FURTHER ORDERED that Mr. Dahlgren 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.*⁸

⁶ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁷ In the Declarations, Mr. Dahlgren indicates compliance with the Board's Rules of Practice for Trials *set forth in part 42 of the C.F.R.* (as opposed to *part 42 of 37 C.F.R.*). *See* Ex. 2001 ¶ 5. We excuse this mistake on this occasion, but remind Mr. Dahlgren that the Board's Rules of Practice for Trials are set forth in *Part 42 of 37 C.F.R.*, and it is those rules to which Mr. Dahlgren will be subject.

⁸ In the Declarations, Mr. Dahlgren indicates he will be subject to the *USPTO Code of Professional Responsibility* (as opposed to the *USPTO Rules of Professional Conduct* set forth in 37 C.F.R. §§ 11.101 *et. seq.*). *See* Ex. 2001 ¶ 6. We excuse this mistake on this occasion, but remind Mr. Dahlgren that he shall be subject to *the USPTO Rules of Professional Conduct*.

IPR2024-00286 and IPR2024-00287
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