

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

INTERDIGITAL PATENT HOLDINGS, INC.,
Patent Owner.

IPR2024-00305 (Patent 8,737,933 B2)¹
IPR2024-00306 (Patent 9,173,054 B2)

Before JAMESON LEE, JOHN F. HORVATH, and LISA A. MURRAY,
Administrative Patent Judges.

PER CURIAM.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Shelby A. Stepper
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that IPR2024-00305 and IPR2024-00306 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On October 24, 2024, Petitioner filed unopposed motions requesting *pro hac vice* admission of Shelby A. Stepper in each of the above-identified proceedings. Paper 27.² On November 15, 2024, Petitioner filed corrected versions of both motions (collectively “Motions”). Paper 29. Petitioner also submitted corrected Declarations from Shelby A. Stepper in support of the Motions (collectively “Declarations”). Ex. 1084.³ Petitioner attests that Patent Owner does not oppose the Motions. Paper 29, 1. For the reasons provided below, Petitioner’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, we conclude that Ms. Stepper has sufficient legal and technical qualifications to represent Petitioner 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. 1084. Accordingly, Petitioner has established good cause for

² We cite to Papers filed in IPR2024-00305. Petitioner filed a similar Motion in IPR2024-00306 (Paper 27).

³ We cite to Exhibits filed in IPR2024-00305. Petitioner filed a similar Declaration in IPR2024-00306 (Ex. 1084).

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pro hac vice admission of Ms. Stepper. Ms. Stepper will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Ms. Stepper in accordance with 37 C.F.R. § 42.10(b). Paper 30. Petitioner has also filed Mandatory Notices identifying Ms. Stepper as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 31.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Shelby A. Stepper 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 Ms. Stepper is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Ms. Stepper be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴ (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 Ms. Stepper 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.*

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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