

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

IPR2024-00478
Patent 9,430,042 B2

Before WILLIAM V. SAINDON, CHRISTOPHER L. OGDEN, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Sam Kim
37 C.F.R. § 42.10

Patent Owner filed a motion requesting *pro hac vice* admission of Sam Kim in the above-identified proceeding (“Motion”). Paper 22. Patent Owner also submitted a Declaration from Mr. Kim in support of the Motion (“Declaration”). Ex. 2011. Patent Owner represents that Petitioner does not oppose the Motion. Mot. 1.

For the reasons provided below, the Motion is *conditionally granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), 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,¹ we conclude that Patent Owner has established good cause for

¹ Mr. Kim states in the Declaration that he has “not been previously admitted *Pro Hac Vice* by the PTAB.” Declaration ¶ 8. We note that this statement does not specifically address whether Mr. Kim has applied to appear *pro hac vice* in another proceeding in the last three years. *Unified Patents* 3. However, Mr. Kim also states “I have never had a court or administrative body deny my application for admission to practice.” Declaration ¶ 5. We infer from this statement and from Mr. Kim’s statement that he has not previously been admitted *pro hac vice* by the Board that Mr. Kim has not previously applied to appear *pro hac vice* before the Board. Based on this understanding, we find *Unified Patents* to be satisfied. Patent Owner should inform us if this understanding is not correct.

pro hac vice admission of Mr. Kim, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c)(1).

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Kim. Therefore, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

In addition, Patent Owner has not filed updated Mandatory Notices identifying Mr. Kim as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Mr. Kim as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Sam Kim is *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a Power of Attorney for Sam Kim in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated Mandatory Notice identifying Mr. Kim as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

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

FURTHER ORDERED that Mr. Kim be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280

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

(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. Kim 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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