

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALVE CORPORATION,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

IPR2024-00582
Patent 11,175,738 B2

Before WILLIAM V. SAINDON, MICHAEL R. ZECHER, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Alexandra Fellowes
37 C.F.R. § 42.10(c)

Patent Owner filed a motion requesting *pro hac vice* admission of Alexandra Fellowes. Paper 14 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Ms. Fellowes in support of the Motion. Ex. 2007 (“Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Paper 14, 1. For the reasons provided below, Patent Owner’s Motion is *conditionally granted*.

Under 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, as long as lead counsel is 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* 37 C.F.R. § 42.10(c)(1); *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 determine that Patent Owner has shown good cause for *pro*

¹ *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 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 Declaration of Ms. Fellowes fails to identify any other proceedings before the Office for which Ms. Fellowes has applied to appear *pro hac vice*. *See* Ex. 2007. We excuse this omission on this occasion, and treat the omission as a representation that Ms. Fellowes has not applied to appear *pro hac vice* in any proceedings before the Office in the last three years. Ms. Fellowes must notify us promptly if this is incorrect.

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

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

Patent Owner has not filed updated Mandatory Notices identifying Ms. Fellowes as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice under 37 C.F.R. § 42.8(b)(3) identifying Ms. Fellowes as back-up counsel.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 14) for *pro hac vice* admission of Alexandra Fellowes is *conditionally granted* provided that within 10 business days of the date of this order, Patent Owner submits a Power of Attorney for Ms. Fellowes in accordance with 37 C.F.R. § 42.10(b);

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

FURTHER ORDERED that Patent Owner must continue to have a registered practitioner represent it as lead counsel in this proceeding;

FURTHER ORDERED that Ms. Fellowes is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Fellowes be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg.

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

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. Fellowes 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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