

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AT&T MOBILITY LLC, AT&T SERVICES INC., ERICSSON INC.,
NOKIA OF AMERICA CORPORATION, T-MOBILE USA, INC.,
Petitioner,

v.

DAINGEAN TECHNOLOGIES LTD.,
Patent Owner.

IPR2024-00644
Patent 11,134,400

Before CHRISTOPHER L. OGDEN, JOHN R. KENNY, and
MARY C. HOFFMAN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for
Admission *Pro Hac Vice* of Michael McBride
37 C.F.R. § 42.10

On June 18, 2024, Patent Owner filed a motion for admission *pro hac vice* of Michael McBride in the above-identified proceeding. Paper 6 (“Motion”). Patent Owner submitted a declaration from Mr. McBride supporting the Motion. Ex. 2001 (“Declaration”). Petitioner has not opposed the Motion.

Patent Owner has submitted a power of attorney for Mr. McBride under 37 C.F.R. § 42.10(b). Paper 4. Patent Owner has also submitted a mandatory notice identifying Mr. McBride as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 3.

Under 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, so long as lead counsel is a registered practitioner. In authorizing a motion for admission *pro hac vice*, 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*, Case IPR2013-00639 (Paper 7) (PTAB Oct. 15, 2013) (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 Patent Owner has established good cause for *pro hac vice* admission of Mr. McBride, who will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

It is

ORDERED that Patent Owner’s Motion (Paper 6) for admission *pro hac vice* of Michael McBride is *granted*; Mr. McBride is authorized to act only as back-up counsel in this proceeding;

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

FURTHER ORDERED that Mr. McBride must comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 2019)) and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations²; and

FURTHER ORDERED that Mr. McBride 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. §§ 11.101–11.901.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

² The Declaration ambiguously states that “I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations.” Ex. 2001 ¶ 9. We understand this statement to refer to Part 42 of *Title 37* of the Code of Federal Regulations.

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