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Paper No. 31
Entered: April 28, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC. and FORTINET, INC.,
Petitioner,

v.

INFOEXPRESS INC.,
Patent Owner.

IPR2024-00539 (Patent 8,051,460 B2)
IPR2024-00675 (Patent 7,523,484 B2)
IPR2024-00676 (Patent 8,677,450 B2)
IPR2024-00677 (Patent 8,578,444 B2)
IPR2024-00679 (Patent 7,523,484 B2)[1]

Before CHRISTOPHER M. KAISER, JOHN A. HUDALLA, and AARON W. MOORE, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

DECISION
Conditionally Granting Petitioner's Motions for *Pro Hac Vice*
Admission of Krishnan Padmanabhan
37 C.F.R. § 42.10

[1] This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. Unless otherwise authorized, the parties shall not use this heading style in any subsequent papers.

On April 22, 2025, Petitioner filed motions requesting *pro hac vice* admission of Krishnan Padmanabhan in the above-identified proceedings (collectively, "Motions"). Paper 34.[2] Petitioner also filed declarations from Mr. Padmanabhan in support of the Motions (collectively, "Declarations"). Ex. 1021.[3] Petitioner states Patent Owner has confirmed that it will not oppose the Motions. Motion 4.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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*, Case 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 Mr. Padmanabhan has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Padmanabhan has demonstrated sufficient litigation experience and legal familiarity with the subject matter of these proceedings, and that

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[2] All citations are to IPR2024-00539, unless otherwise noted. Petitioner filed similar motions in IPR2024-00675, IPR2024-00676, IPR2024-00677, and IPR2024-00679.

[3] Petitioner filed similar declarations in IPR2024-00675, IPR2024-00676, IPR2024-00677, and IPR2024-00679.

Mr. Padmanabhan meets all other requirements for admission *pro hac vice*. *See* Declaration ¶¶ 1–7. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Padmanabhan.

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. Padmanabhan. In view thereof, and for the reasons set forth below, Petitioner's Motions are *conditionally granted*, and are to be effective after Petitioner files the aforementioned Power of Attorney in each of the above-identified proceedings.

Petitioner has not filed updated mandatory notices identifying Mr. Padmanabhan as back-up counsel. Therefore, Petitioner must file an updated mandatory notice identifying Mr. Padmanabhan as back-up counsel in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Krishnan Padmanabhan are *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner must submit a Power of Attorney for Mr. Padmanabhan in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. Padmanabhan as back-up counsel in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings, but Mr. Padmanabhan is authorized to act as back-up counsel in these proceedings;

FURTHER ORDERED that Mr. Padmanabhan be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide[4] (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 Mr. Padmanabhan 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*.[5]

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[4] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

[5] Mr. Padmanabhan states that he "will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq.," rather than the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq*. Declaration ¶ 6. We deem this to be harmless error.

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