

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HEWLETT PACKARD ENTERPRISE COMPANY and
CISCO SYSTEMS, INC.,
Petitioners,

v.

COBBLESTONE WIRELESS LLC,
Patent Owner.

IPR2024-00707
Patent 7,924,802 B2

Before KARL D. EASTHOM, NORMAN H. BEAMER, and
RUSSELL E. CASS, *Administrative Patent Judges*.

CASS, *Administrative Patent Judge*.

DECISION
Granting Petitioner's Motion for
Pro Hac Vice Admission of Matthew S. Yungwirth
37 C.F.R. § 42.10

On July 24, 2024, Petitioner filed a motion requesting *pro hac vice* admission of Matthew S. Yungwirth. Paper 10 (“the Motion”). The Motion is supported by a declaration of Mr. Yungwirth. Ex. 1015 (“the Declaration”). Petitioner states that Patent Owner does not oppose the Motion. Motion, 4.

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, 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 Mr. Yungwirth has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Yungwirth has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Yungwirth meets all other requirements for admission *pro hac vice*. *See* Ex. 1015 ¶¶ 1–10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Yungwirth. Mr. Yungwirth 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 Mr. Yungwirth in accordance with 37 C.F.R. § 42.10(b). Paper 2. However,

Petitioner has not submitted a Mandatory Notice identifying Mr. Yungwirth 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 Petitioner's Motion for *pro hac vice* admission of Matthew S. Yungwirth is *granted*;

FURTHER ORDERED that Petitioner must file updated mandatory notices identifying Mr. Yungwirth as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent Petitioner as lead counsel;

FURTHER ORDERED that Mr. Yungwirth is authorized to represent Petitioner as back-up counsel only;

FURTHER ORDERED that Mr. Yungwirth shall 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 Regulations;² and

FURTHER ORDERED that Mr. Yungwirth 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.*

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

² The Declaration 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. 1015 ¶ 7. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We deem this harmless error.

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