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Paper : 15
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
GOOGLE LLC,
Petitioner,

v.

EYESMATCH LTD.,
Patent Owner.

IPR2024-00810
Patent 8,982,110 B2

Before THOMAS L. GIANNETTI, NEIL T. POWELL, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

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

Patent Owner filed an Unopposed Motion for *Pro Hac Vice* Admission of Matthew D. Powers. Paper 9 ("Motion" or "Mot."). Patent Owner also submitted a Declaration from Mr. Powers in support of the Motion. Ex. 2001. Patent Owner attests that Petitioner does not oppose the Motion. Mot. 1.

For the reasons provided below, Patent Owner's Motion is *granted*.

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 (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, we conclude that Mr. Powers has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Powers has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Powers meets all other requirements for admission *pro hac vice*. *See* Ex. 2001. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Powers. Mr. Powers will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner has filed a Power of Attorney including Mr. Powers in accordance with 37 C.F.R. § 42.10(b). Paper 8. Patent

Owner has also filed Mandatory Notices identifying Mr. Powers as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 7.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Matthew D. Powers is *granted*;

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

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

FURTHER ORDERED that Mr. Powers be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[1] (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;[2] and

FURTHER ORDERED that Mr. Powers 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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[1] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

[2] In the Declaration, Mr. Powers indicates compliance 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* (as opposed to *part 42 of 37 C.F.R.*). *See* Ex. 2001 ¶ 5. We excuse this mistake on this occasion, but remind Mr. Powers that the Board's Rules of Practice for Trials are set forth in *Part 42 of 37 C.F.R.*, and it is those rules to which Mr. Powers will be subject.

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