

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

EYESMATCH LTD.,
Patent Owner.

IPR2024-00856
Patent 8,982,109 B2

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

GIANNETTI, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice* Admission of Matthew
D. Powers, William P. Nelson, and Natasha M. Saputo
37 C.F.R. § 42.10

On June 27, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Matthew D. Powers, William P. Nelson, and Natasha M. Saputo. Papers 8–10 (collectively “Motions”). Patent Owner also submitted Declarations from Matthew D. Powers (Ex. 2001), William P. Nelson (Ex. 2002), and Natasha M. Saputo (Ex. 2003) in support of the Motions (collectively “Declarations”). Patent Owner attests that Petitioner does not oppose the Motions. Paper 8, 1; Paper 9, 1; Paper 10, 1.

For the reasons provided below, Patent Owner’s Motions are *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 Motions and the accompanying Declarations, we conclude that Mr. Powers, Mr. Nelson, and Ms. Saputo each have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Powers, Mr. Nelson, and Ms. Saputo have each demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Powers, Mr. Nelson, and Ms. Saputo meet all other requirements for admission *pro hac vice*. *See* Exs. 2001–2003. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Powers, Mr. Nelson, and Ms. Saputo. Mr.

Powers, Mr. Nelson, and Ms. Saputo will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Mr. Powers, Mr. Nelson, and Ms. Saputo in accordance with 37 C.F.R. § 42.10(b). Paper 7, 1–2. Patent Owner has also filed Mandatory Notices identifying Mr. Powers, Mr. Nelson, and Ms. Saputo as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 6, 1–2.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Matthew D. Powers, William P. Nelson, and Natasha M. Saputo are *granted*;

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

FURTHER ORDERED that Mr. Powers, Mr. Nelson, and Ms. Saputo are authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Powers, Mr. Nelson, and Ms. Saputo comply with the Patent Trial and Appeal Board 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

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

² The Declarations each incorrectly 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.” *See, e.g.* Ex. 2001 ¶ 5. The Office Patent Trial Practice Guide and the Board’s Rules

FURTHER ORDERED that Mr. Powers, Mr. Nelson, and Ms. Saputo are 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.*

of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We excuse this mistake on this occasion, noting that Mr. Powers, Mr. Nelson, and Ms. Saputo, must comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations.

IPR2024-00856
Patent 8,982,109 B2

For PETITIONER:

Erika H. Arner
Sydney R. Kestle
Angeline L. Premraj
Xirui Zhang
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
erika.arner@finnegan.com
sydney.kestle@finnegan.com
angeline.premraj@finnegan.com
xirui.zhang@finnegan.com

Eliot D. Williams
Neil Sirota
Margaret M. Welsh
Chun Xu
Pallavi Mathur
Jose Villarreal
Joshua Friedman
BAKER BOTTS L.L.P.
eliot.williams@bakerbotts.com
neil.sirota@bakerbotts.com
margaret.welsh@bakerbotts.com
chun.xu@bakerbotts.com
pallavi.mathur@bakerbotts.com
jose.villarreal@bakerbotts.com
joshua.friedman@bakerbotts.com

FOR PATENT OWNER:

John Pierce
Matthew D. Powers
William P. Nelson
Natasha M. Saputo
TENSEGRITY LAW GROUP, LLP
john.pierce@tensegritylawgroup.com
matthew.powers@tensegritylawgroup.com
william.nelson@tensegritylawgroup.com
natasha.saputo@tensegritylawgroup.com