

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner,

v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner.

IPR2024-00940
Patent 11,991,234 B2

Before THU A. DANG, MICHELLE N. WORMMEESTER, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Parker G. Zimmerman
37 C.F.R. § 42.10

On May 5, 2025, Aylo Freesites Ltd (“Petitioner”) filed a motion requesting *pro hac vice* admission of Parker G. Zimmerman. Paper 29 (“Motion” or “Mot.”). Petitioner also submitted a Declaration from Mr. Zimmerman in support of the Motion. Paper 30 (“Declaration”).¹ Petitioner represents that DISH Technologies L.L.C. (“Patent Owner”) does not oppose the Motion. Mot. 1.

In accordance with 37 C.F.R. § 42.10(c)(1), 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* 37 C.F.R. § 42.10(c)(1); *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Mr. Zimmerman declares that he is a member in good standing of the State Bar of New York. Paper 30 ¶ 6. Mr. Zimmerman declares that he is familiar with the subject matter at issue in the instant proceeding, including the ’234 patent. *Id.* ¶¶ 13–15. Mr. Zimmerman also declares that “[n]o court or administrative body has ever denied my application for admission to practice before it” (*id.* ¶ 8), and “I have previously appeared *pro hac vice*

¹ Petitioner filed the Declaration as a paper rather than an exhibit. We deem this to be harmless error. Petitioner is reminded, however, that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

before the Office in IPR2024-00043, IPR2024-00044, IPR2024-00045, IPR2024-00046, and IPR2024-00146” (*id.* ¶ 12). However, the Declaration does not specify “[a]ll other proceedings before the Office for which [he] has applied to appear *pro hac vice* in the last three (3) years.” *Unified Patents*, Paper 7, 3.

In light of Mr. Zimmerman’s statement that he has never been denied an application for admission to practice before an administrative body, we will accept the Declaration as representing that IPR2024-00043, IPR2024-00044, IPR2024-00045, IPR2024-00046, and IPR2024-00146 are the only proceedings in which Mr. Zimmerman has applied for *pro hac vice* admission before the Office in the three-year period before the Motion was filed. If our understanding is incorrect, Petitioner and Mr. Zimmerman shall, within five (5) business days from the issuance of this Order, notify the Board and submit a corrected Declaration identifying all proceedings before the Office in which Mr. Zimmerman applied for *pro hac vice* admission during that three-year period.

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Zimmerman has sufficient qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. We further conclude that Petitioner’s interest in being represented in this proceeding by counsel with litigation experience weighs in favor of granting the Motion. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Zimmerman. Mr. Zimmerman will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Petitioner has not filed a Power of Attorney for Mr. Zimmerman in accordance with 37 C.F.R. § 42.10(b). Petitioner's Updated Power of Attorney "appoints the Practitioners of Venable LLP, associated with Customer Number 05514, as its attorneys." Paper 2, 1; Paper 7, 1. However, Mr. Zimmerman is not associated with a Customer Number. Accordingly, the Motion is *conditionally granted*, and is to be effective upon Petitioner filing a Power of Attorney for Mr. Zimmerman.

Additionally, Petitioner's Mandatory Notices do not identify Mr. Zimmerman as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). *See* Paper 8; Paper 14; Paper 17.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motion for *pro hac vice* admission of Parker G. Zimmerman (Paper 29) is *conditionally granted*, effective upon Petitioner filing a Power of Attorney for Mr. Zimmerman in this proceeding within five (5) business days of this Order;

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

FURTHER ORDERED that Mr. Zimmerman is authorized to act only as back-up counsel in this proceeding;

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

FURTHER ORDERED that Mr. Zimmerman be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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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. Zimmerman 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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