

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VARIA HOLDINGS LLC,
Patent Owner.

IPR2024-01362 (Patent 8,381,974 B2)
IPR2024-01363 (Patent 9,405,947 B2)
IPR2024-01364 (Patent 8,127,984 B2)¹

Before KEVIN F. TURNER, NORMAN H. BEAMER, and
PETER D. SHAPIRO, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice* Admission of
Timothy K. Gilman and Natalie D. Lieber
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that IPR2024-01362, IPR2024-01363, and IPR2024-01364 have been joined. Parties are not authorized to use this caption without express Board permission.

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On April 21, 2025, Patent Owner filed motions requesting *pro hac vice* admission of Timothy K. Gilman and Natalie D. Lieber in each of the above-identified proceedings. Papers 10 and 11 (collectively “Motions”).² Patent Owner also submitted declarations from Timothy K. Gilman (Ex. 2002) and Natalie D. Lieber (Ex. 2003) in support of the Motions (collectively “Declarations”).³ Patent Owner attests that Petitioner does not oppose the Motions. Paper 10, 1; Paper 11, 1.

For the reasons provided below, Patent Owner’s Motions are *granted*.

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(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”).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Gilman and Ms. Lieber each have sufficient qualifications to represent Patent Owner in these proceedings,

² For purposes of expediency, we cite to Papers filed in IPR2024-01362. Patent Owner filed similar Motions in IPR2024-01363 (Papers 10 and 11) and IPR2024-01364 (Papers 10 and 11).

³ We cite to Exhibits filed in IPR2024-01362. Patent Owner filed similar Declarations in IPR2024-01363 (Exs. 2002 and 2003) and IPR2024-01364 (Exs. 2002 and 2003).

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have demonstrated sufficient litigation experience and legal familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. See Exs. 2002 and 2003. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Gilman and Ms. Lieber. Mr. Gilman and Ms. Lieber will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c)(1).

We note that Patent Owner has filed a Power of Attorney including Mr. Gilman and Ms. Lieber in accordance with 37 C.F.R. § 42.10(b). IPR2024-01362, Paper 4; IPR2024-01363, Paper 4; and IPR2024-01364, Paper 4. Patent Owner has also filed Mandatory Notices identifying Mr. Gilman and Ms. Lieber as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2024-01362, Paper 5; IPR2024-01363, Paper 5; and IPR2024-01364, Paper 5.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Timothy K. Gilman and Natalie D. Lieber are *granted*;

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Gilman and Ms. Lieber are authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Gilman and Ms. Lieber be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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(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;⁵ and

FURTHER ORDERED that Mr. Gilman and Ms. Lieber 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.*⁶

⁵ In the Declarations, Mr. Gilman and Ms. Lieber indicate compliance with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials *set forth in part 42 of the C.F.R.* (as opposed to *part 42 of 37 C.F.R.*). See Ex. 2002 ¶ 8; Ex. 2003 ¶ 8. We excuse this mistake on this occasion, but remind Mr. Gilman and Ms. Lieber 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. Gilman and Ms. Lieber will be subject.

⁶ In the Declarations, Mr. Gilman and Ms. Lieber indicate they will be subject to the *USPTO Code of Professional Responsibility* (as opposed to the *USPTO Rules of Professional Conduct* set forth in 37 C.F.R. §§ 11.101 *et seq.*). See Ex. 2002 ¶ 9; Ex. 2003 ¶ 9. We excuse this mistake on this occasion, but remind Mr. Gilman and Ms. Lieber that they shall be subject to *the USPTO Rules of Professional Conduct*.

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