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Paper 10
Date: December 4, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

SIONYX, LLC,
Patent Owner.

IPR2024-01430 (Patent 11,069,737 B2)
IPR2024-01431 (Patent 11,069,737 B2)[1]

Before GEORGIANNA W. BRADEN, MONICA S. ULLAGADDI, and BRIAN D. RANGE, *Administrative Patent Judges*.

RANGE, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Andrew P. Zappia
37 C.F.R. § 42.10

[1] This Order addresses issues that are the same in each of the above-identified proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

On October 24, 2024, Patent Owner filed a Motion for *Pro Hac Vice* Admission of Andrew P. Zappia in each of the above-identified proceedings. Paper 8.[2] Patent Owner also submitted a Declaration from Mr. Zappia in support of the Motion in each proceeding. Ex. 2001. Patent Owner indicates Petitioner does not oppose the Motions. Paper 8, 4. For the reasons provided below, Patent Owner's Motions are *conditionally granted*.

In accordance with 37 C.F.R. § 42.10(c)[3], 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. Zappia has sufficient litigation experience and legal familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Paper 8; Ex. 2001. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Zappia.

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[2] For expediency, we cite to papers in IPR2024-01430. Similar papers were filed in IPR2024-01431.

[3] We cite to the version of 37 C.F.R. § 42.10 in effect prior to the version of the rule effective November 12, 2024 (89 Fed. Reg. 82,172 (Oct. 10, 2024)), as the Motions were filed prior to the effective date of the current version of the rule.

Our rules require, however, that "[a] power of attorney must be filed with the designation of counsel." 37 C.F.R. § 42.10(b). Patent Owner has not filed a Power of Attorney identifying Mr. Zappia. Therefore, Mr. Zappia's *pro hac vice* admission will not be effective until Patent Owner files a Power of Attorney for Mr. Zappia. Upon admission, Mr. Zappia will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We also remind Patent Owner that our rules require filing updated Mandatory Notices "within 21 days of a change of the information" regarding Patent Owner's representation by counsel. 37 C.F.R. §§ 42.8(a)(c), (b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Andrew P. Zappia are *conditionally granted*, effective upon filing a Power of Attorney for Mr. Zappia;

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

FURTHER ORDERED that Mr. Zappia is authorized to represent Patent Owner as back-up counsel only in these proceedings;

FURTHER ORDERED that Mr. Zappia be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (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; and

[4] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

FURTHER ORDERED that Mr. Zappia 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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