

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASUSTEK COMPUTER INC. and
ASUS COMPUTER INTERNATIONAL,
Petitioner,

v.

NOKIA TECHNOLOGIES OY,
Patent Owner.

IPR2025-01153
Patent 10,536,714 B2

Before MICHAEL R. ZECHER and GARTH D. BAER,
Administrative Patent Judges.

ZECHER, *Administrative Patent Judge.*

ORDER
Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Kyle J. Fleming
37 C.F.R. § 42.10(c)

Petitioner, ASUSTeK Computer Inc. and ASUS Computer International (collectively, “ASUSTeK”), filed a motion requesting *pro hac vice* admission of Kyle J. Fleming. Paper 18 (“Motion”). ASUSTeK also submitted a Declaration from Mr. Fleming in support of the Motion. Ex. 1058. ASUSTeK indicates Patent Owner, Nokia Technologies Oy, does not oppose the Motion. Motion 1. For the reasons provided below, the Motion is *conditionally 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 Paper 3, 3–4.

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Fleming has sufficient litigation experience and legal familiarity with the subject matter of this proceeding. Motion 1–2; Ex. 1058 ¶¶ 9, 10. Accordingly, ASUSTeK has established good cause for *pro hac vice* admission of Mr. Fleming.

Upon review of the record, however, we note that a power of attorney in accordance with 37 C.F.R. § 42.10(b) has not been filed for Mr. Fleming.

Based on the foregoing, ASUSTeK’s Motion is *conditionally granted*, effective upon ASUSTeK filing a power of attorney for Mr. Fleming.

Further, ASUSTeK has not filed updated mandatory notices identifying Mr. Fleming as back-up counsel. ASUSTeK must file updated

mandatory notices identifying Mr. Fleming as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that ASUSTeK's Motion for *pro hac vice* admission of Kyle J. Fleming is *conditionally granted*, effective upon ASUSTeK filing a power of attorney for Mr. Fleming in accordance with 37 C.F.R. § 42.10(b);

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

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

FURTHER ORDERED that Mr. Fleming will be authorized to represent ASUSTeK as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Fleming be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (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 Regulations¹; and

FURTHER ORDERED that Mr. Fleming will be 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.*

¹ Mr. Fleming declares that he will comply with the Rules "set forth in part 42 of the Code of Federal Regulations" (Ex. 1058 ¶ 5), rather than Part 42 of *Title 37* of the Code of Federal Regulations. We deem this harmless error.

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