

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTIF FOOD WORKS, INC.,
Petitioner,

v.

IMPOSSIBLE FOODS INC.,
Patent Owner.

IPR2023-00206
Patent 9,943,096 B2

Before DONNA M. PRAISS, CHRISTOPHER M. KAISER, and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

PRAISS, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion for *Pro Hac Vice* Admission of Sarah M. Cork;
Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Derek A. Huish
37 C.F.R. § 42.10

On August 4, 2023, Petitioner filed motions requesting *pro hac vice* admission of Sarah M. Cork and Derek A. Huish. Papers 27–28 (collectively “Motions”). Petitioner also submitted Declarations from Attorneys Cork (Ex. 1178) and Huish (Ex. 1179) in support of the Motions (collectively “Declarations”). Petitioner attests that Patent Owner does not oppose the Motions. Motions ¶ 1. For the reasons provided below, the Motion for Attorney Cork is *granted* and the Motion for Attorney Huish is *conditionally 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 Attorneys Cork and Huish each have sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Attorneys Cork and Huish have each demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Attorneys Cork and Huish meet all other requirements for admission *pro hac vice*. *See* Declarations ¶¶ 1–10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of

Attorneys Clark and Huish. They will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Petitioner has filed a Power of Attorney including Attorney Cork in accordance with 37 C.F.R. § 42.10(b). Paper 1. Petitioner has also filed Mandatory Notices identifying Attorney Cork as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 7, 72.

Petitioner has **not** filed a Power of Attorney including Attorney Huish in accordance with 37 C.F.R. § 42.10(b). *See, e.g.*, Paper 1. Nor has Petitioner filed Mandatory Notices identifying Attorney Huish as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). *See, e.g.*, Paper 7, 72. In view thereof, Petitioner's Motion is *conditionally granted* for Attorney Huish, and is to be effective after Petitioner files an inclusive Power of Attorney and updated Mandatory Notices.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion for *pro hac vice* admission of Attorney Cork is *granted*;

FURTHER ORDERED that Petitioner's Motion for *pro hac vice* admission of Attorney Huish is *conditionally granted* provided that (i) within ten (10) business days of the date of this order Petitioner must submit a Power of Attorney for Attorney Huish in accordance with 37 C.F.R. § 42.10(b) and (ii) within twenty-one (21) business days of the date of this order Petitioner must submit updated Mandatory Notices identifying Attorney Huish as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Attorneys Cork and Huish are authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Attorneys Cork and Huish 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 Regulations; and

FURTHER ORDERED that Attorneys Cork and Huish 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.*

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

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