

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAINTEQ, LLC,
Petitioner,

v.

ORTHOCISION, INC.,
Patent Owner.

IPR2023-00451
Patent 11,083,511 B2

Before ZHENYU YANG, JAMES A. WORTH, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

VALEK, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Oleg Khariton
37 C.F.R. § 42.10

On October 10, 2023, Patent Owner filed a motion requesting *pro hac vice* admission of Oleg Khariton. Paper 13 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Oleg Khariton in support of the Motion. Ex. 2001 (“Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Paper 13, 2. For the reasons provided below, Patent Owner Motion is *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 Motion and the accompanying Declaration, we conclude that Mr. Khariton has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 2001. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Khariton. Mr. Khariton will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Mr. Khariton in accordance with 37 C.F.R. § 42.10(b). Paper 7. Patent Owner

has also filed a Mandatory Notice identifying Mr. Khariton as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 6.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 13) for *pro hac vice* admission of Oleg Khariton is *granted*;

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

FURTHER ORDERED that Mr. Khariton is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Khariton 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;² and

FURTHER ORDERED that Mr. Khariton 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.*

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

² The Declaration omits reference to Title 37 of the Code of Federal Regulations, stating "I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations." Ex. 2001 ¶ 9. We understand this omission to be inadvertent and that Mr. Khariton is, in fact, referring to part 42 of Title 37 of the Code.

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