Trials@uspto.gov
571-272-7822

Paper No. 13
Entered: September 15, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VANTAGE SPECIALTY CHEMICALS, INC.,
Petitioner,

v.

CARGILL, INCORPORATED,
Patent Owner.

IPR2023-00589
Patent 11,248,245 B2

Before SHERIDAN K. SNEDDEN, TIMOTHY G. MAJORS, and MICHAEL A. VALEK, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Ahmed J. Davis
37 C.F.R. § 42.10

Patent Owner filed a Motion for *Pro Hac Vice* Admission of Ahmed J. Davis. Paper 9 ("Motion"). The Motion is supported by a Declaration of Mr. Davis. Ex. 2007. Petitioner has not filed an opposition to the Motion.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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. Davis has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Davis has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, that Mr. Davis meets all other requirements for admission *pro hac vice*. *See* Ex. 2007 ¶¶ 1–10. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Davis.

Patent Owner filed updated mandatory notices identifying Mr. Davis as back-up attorney. *See* Paper 10.

Patent Owner asserts that a Power of Attorney, including Mr. Davis, has been filed by way of Mr. Davis being "associated with Customer Number 26171[] and [thus] hav[ing] Power of Attorney for this patent as listed in USPTO Patent Center." *Id.* A power of attorney that lists a

customer number is generally not sufficient to provide a power of attorney for non-registered attorneys, like Mr. Davis here, because the customer number provides a power of attorney only to ***registered practitioners*** associated with that number. In view thereof, Patent Owner's Motion is conditionally granted and is to be effective after Patent Owner files a Power of Attorney for Mr. Davis.

It is, therefore,

ORDERED that Patent Owner's Motion for *Pro Hac Vice* admission of Mr. Davis is *conditionally granted* provided that within ten (10) days of the date of this Order, Patent Owner submits Powers of Attorney, in accordance with 37 C.F.R. § 42.10(b); Mr. Davis is authorized to act only as back-up counsel;

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

FURTHER ORDERED that Mr. Davis is to comply with the Consolidated Trial Practice Guide[1] (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 of the Code of Federal Regulations;[2] and

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

[2] The Declaration states that "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. 2007 ¶ 5. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We deem this harmless error.

FURTHER ORDERED that Mr. Davis is to 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.*

PETITIONER:

Eric Lucas
Yue Wang
SHEARMAN & STERLING LLP
Eric.lucas@shearman.com
Joy.wang@shearman.com

PATENT OWNER:

W. Karl Renner
Grace Kim
Joshua Rosefelt
FISH & RICHARDSON P.C.
axf-ptab@fr.com
gkim@fr.com
rosefelt@fr.com