

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDEN PARK ILLUMINATION, INC.,
LARSON ELECTRONICS LLC, FAR UV TECHNOLOGIES, INC., and
USHIO AMERICA, INC.,
Petitioner,

v.

S. EDWARD NEISTER,
Patent Owner.

IPR2023-00695
Patent 11,246,951 B2

Before JEFFREY W. ABRAHAM, ELIZABETH M. ROESEL, and
JULIA HEANEY, *Administrative Patent Judges*.

HEANEY, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Unopposed Motion for Admission
Pro Hac Vice of Dr. Casey M. Kraning
37 C.F.R. § 42.10

On November 14, 2023, Eden Park Illumination, Inc., Larson Electronics LLC, Far UV Technologies, Inc., and Ushio America, Inc. (collectively “Petitioner”) filed a motion requesting *pro hac vice* admission of Dr. Casey M. Kraning. Paper 18 (“Motion”). Petitioner submitted a Declaration from Dr. Kraning in support of the Motion. Ex. 1041 (“Declaration”). Petitioner attests that Patent Owner does not oppose the Motion. Motion 1. For the reasons provided below, we *grant* Petitioner’s 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 Dr. Kraning has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Dr. Kraning has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Dr. Kraning meets all other requirements for admission *pro hac vice*. *See* Declaration ¶¶ 1–10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Dr. Kraning.

We note that Petitioner has filed a Power of Attorney including Dr. Kraning in accordance with 37 C.F.R. § 42.10(b). Papers 1–4. Petitioner has also filed a Mandatory Notice identifying Dr. Kraning as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 5, 65.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner’s Motion seeking admission *pro hac vice* for Dr. Casey M. Kraning is *granted*;

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel in this proceeding; Dr. Casey M. Kraning is authorized to represent Petitioner only as back-up counsel in this proceeding;

FURTHER ORDERED that Dr. Casey M. Kraning is to comply with the 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 Dr. Casey M. Kraning shall 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 Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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