

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOM ENTERPRISES, LLC,
Petitioner,

v.

ELAINE AND REINHOLD W. VIETH,
Patent Owner.

IPR2023-00726
Patent 9,066,958 B2

Before JOHN G. NEW, SHERIDAN K. SNEDDEN,
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Admission *Pro Hac Vice* of Sarika Patel
37 C.F.R. § 42.10(c)

Petitioner filed a motion for admission *pro hac vice* of Sarika Patel, together with a supporting declaration from Ms. Patel. Paper 12 (“Motion”); Exhibit 1019 (“Declaration”). Patent Owner did not oppose the Motion. For the reasons discussed below, we *grant* the Motion.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing a motion for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7).

Based on the facts in the Motion and Declaration, we conclude that Ms. Patel has sufficient qualifications to represent Petitioner in this proceeding, that Ms. Patel has demonstrated sufficient litigation experience and familiarity with the subject matter of the proceeding, and that Ms. Patel meets all other requirements for admission *pro hac vice*. Accordingly, Petitioner has established good cause for admission *pro hac vice* of Ms. Patel. Ms. Patel will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Petitioner's Motion for admission *pro hac vice* of Ms. Patel is *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Ms. Patel is authorized to act as back-up counsel;

FURTHER ORDERED that Ms. Patel comply with the Patent Trial and Appeal Board's 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 37,² Code of Federal Regulations; and

FURTHER ORDERED that Ms. Patel 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 states "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." Declaration ¶ 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.

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