

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENSIGN US SOUTHERN DRILLING LLC
Petitioner

v.

C&M OILFIELD RENTALS, LLC
D/B/A C-MOR ENERGY SERVICES
Patent Owner of Record

Case No. IPR2023-00804

Patent No. 10,976,016

**PETITIONER ENSIGN US SOUTHERN DRILLING LLC'S
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF
NEIL KELLY**

Pursuant to 37 C.F.R. § 42.10(c), the Board's Notice of Filing Date Accorded (authorizing this motion), and the representative order in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (concerning the content of a motion for *pro hac vice* admission), the Petitioner respectfully requests that the Board recognize Neil Kelly as counsel *pro hac vice* in this proceeding. Patent Owner has indicated it will not oppose this motion.

Statement of Facts

1. Mr. Kelly is an experienced litigator. He has litigated numerous technical and other complex commercial cases over the past 30 years and tried several cases to verdict, judgment, or arbitration award. Ex. 1055 at ¶2.

2. Mr. Kelly is counsel to Petitioner. Mr. Kelly has been providing Petitioner (privileged) legal advice in connection with U.S. Patent No. 10,976,016 ("the '016 patent") and related patents in connection with district court litigation between the parties to this IPR. Petitioner has requested that Mr. Kelly help to represent it during the remainder of this trial. *Id.* at ¶3.

3. Mr. Kelly is familiar with the technology and subject matter at issue in this trial. He has reviewed the patent, the papers and evidence filed by Petitioner. *Id.* at ¶4.

4. Mr. Kelly is a member in good standing of the State Bar of Texas, and is admitted to practice before the Southern, Eastern, Northern, and

Western Districts of Texas and the Courts of Appeals for the Third and Fifth

Circuits. *Id.* at ¶5.

5. Mr. Kelly has not been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶6.

6. Mr. Kelly has not had any application for admission to practice before any court or administrative body denied. *Id.* at ¶7.

7. Mr. Kelly has not been the subject of any sanctions or contempt citations imposed by any court to administrative body. *Id.* at ¶8.

8. Mr. Kelly has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R. *Id.* at ¶9.

9. Mr. Kelly will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶10.

10. In the last three (3) years, Mr. Kelly has not appeared *pro hac vice* before this administrative body.

11. Petitioner's lead counsel, Gregory L. Porter, is registered to practice before the United States Patent and Trademark Office ("USPTO") and holds Registration No. 40,131.

12. Patent Owner does not oppose this motion.

Accordingly, good cause exists for the granting of this motion, and Petitioner respectfully requests that Neil Kelly be admitted *pro hac vice*.

Dated: November 13, 2023

/Gregory L. Porter/

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CERTIFICATE OF SERVICE

I certify that today in

Ensign US Southern Drilling LLC v. C&M Oilfield Rentals LLC D/B/A C-Mor Energy Services., IPR2023-00804

I caused to be served a copy of:

Motion for *Pro Hac Vice* Admission of Neil Kelly and Accompanying
Exhibit 1055
Petitioner's Updated Exhibit List
Certificate of Service

Upon the following via electronic service to the email addresses below:

MLB-CM-IPR-Team@morganlewis.com

Dated: November 13, 2023

/Gregory L. Porter/

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