

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.

IPR2023-00804
Patent 10,976,016 B2

Before NORMAN H. BEAMER, KEVIN C. TROCK, and
JULIA HEANEY, *Administrative Patent Judges*.

HEANEY, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of KARON N. FOWLER and GENNADIY T. LOZNEV
37 C.F.R. § 42.10

On December 11, 2023, Patent Owner filed motions requesting *pro hac vice* admission of Karon N. Fowler and Gennadiy T. Loznev. Papers 19 and 20 (collectively “Motions”). Patent Owner also submitted Declarations from Karon N. Fowler (Ex. 2004) and Gennadiy T. Loznev (Ex. 2005) in support of the Motions (collectively “Declarations”).

Patent Owner attests that Petitioner does not oppose the Motions. Papers 19, 2; 20, 2.

For the reasons provided below, Patent Owner’s Motions are *conditionally 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 Motions and the accompanying Declarations, we conclude that Ms. Fowler and Mr. Loznev each have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Ms. Fowler and Mr. Loznev have each demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Ms. Fowler and Mr. Loznev meet all other requirements for admission *pro hac vice*. *See* Exs. 2004 and 2005. Accordingly, Patent Owner has established good cause for *pro hac vice*

admission of Ms. Fowler and Mr. Loznev. Ms. Fowler and Mr. Loznev will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Ms. Fowler and Mr. Loznev. Therefore, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

Patent Owner has also not filed updated Mandatory Notices identifying Ms. Fowler and Mr. Loznev as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Ms. Fowler and Mr. Loznev as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Karon N. Fowler and Gennadiy T. Loznev are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a Power of Attorney for Karon N. Fowler and Gennadiy T. Loznev in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Ms. Fowler and Mr. Loznev as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Ms. Fowler and Mr. Loznev are authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Fowler and Mr. Loznev 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; and

FURTHER ORDERED that Ms. Fowler and Mr. Loznev are 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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Patent 10,976,016 B2

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