

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIRST SOLAR, INC.,
Petitioner,

v.

ROVSHAN SADE,
Patent Owner.

IPR2023-00827 (Patent 9,057,546 B2)
IPR2023-00881 (Patent 9,917,546 B2)¹

Before JOSIAH C. COCKS, KEVIN W. CHERRY, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of Susan Freya Olive
37 C.F.R. § 42.10

¹ This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties are not authorized to use this style heading in any subsequent papers.

Patent Owner, Rovshan Sade, filed Motions for *pro hac vice* admission of Susan Freya Olive (Paper 8) in each of these proceedings (the “Motions” or “Mot.”).² Patent Owner attests that Petitioner does not oppose the motion. Mot. 2.

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 admission *pro hac vice*, 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* Paper 4 at 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (“Order – Authorizing Motion for *Pro Hac Vice* Admission”)) (“Notice”).

In each Motion, Patent Owner states that there is good cause for the Board to recognize Ms. Olive *pro hac vice* during these proceedings because Ms. Olive is “an accomplished patent litigator,” who has “familiarity not only with the subject matter in general, but with the specific subject matter of the patents at issue and of the associated art.” Mot. 2.

² We cite to Papers and Exhibits in IPR2023-00827. Similar items were filed in IPR2023-00881.

Each Motion is supported by a Declaration of Ms. Olive (Paper 9³) (the “Declarations” or “Decl.”) that attests to the statements above and complies with the requirements set forth in the Notice. *See* Decl. ¶¶ 1–14.

Upon consideration, Patent Owner has demonstrated that Ms. Olive has sufficient legal and technical qualifications and familiarity with the subject matter at issue, and that there is a need for Patent Owner to have counsel with her experience. *See, e.g.*, Decl. ¶¶ 3, 9–13; Mot. 2–4. Patent Owner therefore has established good cause for admitting Ms. Olive *pro hac vice* in each of these proceedings.

Powers of Attorney have been submitted for Ms. Olive in accordance with 37 C.F.R. § 42.10(b). Paper 5. Mandatory Notices have also been submitted, identifying Ms. Olive as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 4.

Upon review of the record before us, we determine that all requirements for admission *pro hac vice* have been met and there is good cause to admit Ms. Olive *pro hac vice*. Accordingly, Patent Owner’s Motions for *pro hac vice* admission of Ms. Olive are *granted*.

Accordingly, it is

ORDERED that Patent Owner’s Motion (Paper 8) for admission *pro hac vice* of Susan Freya Olive in each of the above-identified proceedings is

³ Patent Owner filed the Declarations as Papers. We deem this to be harmless error, however, Patent Owner is reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

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granted; Ms. Olive is authorized to act only as back-up counsel in these proceedings;

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

FURTHER ORDERED that Ms. Olive shall comply with the Consolidated Trial Practice Guide, 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. Olive 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.*

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