

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARISTA NETWORKS, INC.,
Petitioner,

v.

CORRIGENT CORPORATION,
Patent Owner.

IPR2023-00839
Patent 9,118,602 B2

Before KRISTEN L. DROESCH and CHRISTOPHER L. OGDEN,
Administrative Patent Judges.

DROESCH, *Administrative Patent Judge.*

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Katherine Burgess
37 C.F.R. § 42.10

On February 20, 2024, Arista Networks, Inc. (“Petitioner”) filed a motion for *pro hac vice* admission of Katherine Burgess in the above-identified proceeding. Paper 15 (“Motion,” “Mot.”). Petitioner also filed a declaration from Ms. Burgess in support of the Motion. Ex. 1032 (“Declaration”). Petitioner asserts that the Motion is unopposed. *See* Mot. 2.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 5, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (“Order – Authorizing Motion for *Pro Hac Vice* Admission”) (“*Unified Patents*”)).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Ms. Burgess has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Ms. Burgess has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Ms. Burgess meets all other requirements for admission *pro hac vice*.¹ Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Burgess.

¹ Ms. Burgess does not attest whether she has applied to appear *pro hac vice* in the last three (3) years. Because the Motion asserts that Ms. Burgess has not applied to appear *pro hac vice* in the last three (3) years, and because the USPTO records do not indicate any prior applications for *pro hac vice* admission, we consider this omission to be a harmless oversight.

Accordingly, it is:

ORDERED that Petitioner’s Motion for *pro hac vice* admission of Katherine Burgess is *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceeding, Ms. Burgess is authorized to represent Petitioner as back-up counsel only;

FURTHER ORDERED that Ms. Burgess is to comply with the Patent Trial and Appeal Board’s Consolidated Trial Practice Guide² (November 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. Burgess shall be subject to the Office’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct under 37 C.F.R. §§ 11.101 *et seq.*³

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

³ Ms. Burgess declares that she “agree[s] to be subject to the USPTO “*Code of Professional Responsibility*” rather than the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* Decl. ¶ 6 (emphasis added). We consider this to be a harmless oversight.

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