

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUSION ORTHOPEDICS, LLC,
Petitioner,

v.

EXTREMITY MEDICAL, LLC,
Patent Owner.

IPR2023-00894
Patent 11,298,166 B2

Before JEFFREY N. FREDMAN, ROBERT A. POLLOCK, and
JAMIE T. WISZ, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

DECISION
Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Corby R. Vowell
37 C.F.R. § 42.10

On July 14, 2023, Petitioner filed a motion requesting *pro hac vice* admission of Corby R. Vowell. Paper 8 (“Motion”). Petitioner submitted a Declaration from Mr. Vowell in support of the Motion. Ex. 1013. Patent Owner has not filed an opposition to the Motion.

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 *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 Motion and the accompanying Declaration, we conclude that Mr. Vowell has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1013 ¶ 8–10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Vowell.

Petitioner filed a power of attorney including Mr. Vowell. Paper 2.

Petitioner has also filed updated mandatory notices identifying Mr. Weinstein as back-up attorney. Paper 1, 1–2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner’s Motion (Paper 8) for *pro hac vice* admission of Corby R. Vowell is granted;

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

FURTHER ORDERED that Mr. Vowell 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, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Vowell 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>.

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