

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 Patent Owner's Supplemental Motion for
Pro Hac Vice Admission of Michael J. Zinna
37 C.F.R. § 42.10

On May 31, 2023, Patent Owner filed a motion requesting *pro hac vice* admission of Michael J. Zinna. Paper 7 (“Motion”). Patent Owner submitted a Declaration from Mr. Zinna in support of the Motion. Ex. 2001. On July 19, 2023, the Board emailed Patent Owner instructing Patent Owner to: (1) re-file its motion under the correct motion type, and (2) pay the requisite motion fee. That same day, and in accordance with the Board’s instructions, Patent Owner filed a supplemental motion requesting *pro hac vice* admission of Mr. Zinna (Paper 10 (“Supplemental Motion”)) and paid the correct fee. Petitioner has not filed an opposition to either 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 Supplemental Motion and the accompanying Declaration, we conclude that Mr. Zinna has sufficient legal and technical qualifications to represent Patent Owner 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. 2001 ¶ 3–7. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Zinna.

Patent Owner has filed a power of attorney including Mr. Zinna. Paper 4.

Patent Owner has also filed updated mandatory notices identifying Mr. Zinna as back-up attorney. Paper 5, 1–2.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Supplemental Motion (Paper 10) for *pro hac vice* admission of Michael J. Zinna is granted;

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

FURTHER ORDERED that Mr. Zinna 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. Zinna 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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