

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

BRAGI GMBH,
Patent Owner.

IPR2023-00901
Patent 10,635,385 B2

Before LARRY J. HUME, STACEY G. WHITE, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

ORDER

Dismissing Patent Owner's Motion for
Pro Hac Vice Admission of Kaylee Hoffner
37 C.F.R. § 42.10(c)

On June 8, 2023, Patent Owner filed a Motion for admission *pro hac vice* of Kaylee Hoffner. Paper 7 (hereinafter “the Motion”). Patent Owner also filed a supporting Declaration of Ms. Hoffner. Ex. 2001.

Pursuant to 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. A motion for *pro hac vice* admission requires a statement of facts showing there is good cause to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. See *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (Order Authorizing Motion for *Pro Hac Vice* Admission).

The *Unified Patents* representative Order requires that a motion for admission *pro hac vice* be accompanied by an affidavit or declaration of the individual seeking to appear, attesting that “[n]o application for admission to practice before any court or administrative body [was] ever denied” for the individual seeking to appear. *Unified Patents*, Paper 7 at 3. The Declaration of Ms. Hoffner does not contain any such attestation. See Ex. 2001. The *Unified Patents* representative Order further explains that “[w]here the affiant or declarant is unable to provide any of the information requested above in part 2(b) or make any of the required statements or representations under oath, the individual should provide a full explanation of the circumstances as part of the affidavit or declaration.” Ms. Hoffner does not provide any explanation for the absence of the missing attestation.

We note that Ms. Hoffner’s application for *pro hac vice* admission in IPR2022-00621 was initially denied (without prejudice) due to a deficiency in the declaration accompanying the motion in that case. IPR2022-00621, Paper 17. Ms. Hoffner’s admission *pro hac vice* was subsequently granted

in that case. IPR2022-00621, Paper 19. Patent Owner is welcome to file a new motion accompanied by a corrected declaration of Ms. Hoffner that provides “a full explanation of the circumstances” as required by *Unified Patents*.

Accordingly, it is:

ORDERED that Patent Owner’s motion for admission *pro hac vice* of Kaylee Hoffner in this proceeding is *dismissed* without prejudice.

FURTHER ORDERED that Patent Owner is authorized to file another motion for admission *pro hac vice* of Kaylee Hoffner and a revised declaration of Kaylee Hoffner that complies with the standards set forth in *Unified Patents*.

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