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571-272-7822

Paper 31
Date: July 11, 2024

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)
IPR2023-01150 (Patent 9,843,853 B2)
IPR2023-01204 (Patent 10,117,014 B2)[1]

Before LARRY J. HUME, STACEY G. WHITE, MICHELLE N. WORMMEESTER, NORMAN H. BEAMER, and GARTH D. BAER, *Administrative Patent Judges*.[2]

PER CURIAM.

ORDER
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Bradley Jarrett.
37 C.F.R. § 42.10

[1] This Order addresses issues that are the same in each of the above-identified proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

[2] This listing of Administrative Patent Judges does not indicate an expanded panel.

On June 24, 2024, Patent Owner filed a Motion for *Pro Hac Vice* Admission of Bradley Jarrett in each of the above-identified proceedings. Paper 25 ("Motion").[3] Patent Owner also submitted a Declaration from Mr. Jarrett in support of the Motion in each proceeding. Ex. 2025 ("Declaration"). Petitioner has not opposed the Motions. For the reasons provided below, Patent Owner's Motions are *conditionally granted*.

In accordance with 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 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 Motions and the accompanying Declarations, we conclude that Mr. Jarrett 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* Paper 25; Ex. 2025. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Jarrett.

[3] For expediency, we cite to papers in IPR2023-00901. Similar papers were filed in IPR2023-01150 and IPR2023-01204.

Our rules require, however, that "[a] power of attorney must be filed with the designation of counsel." 37 C.F.R. § 42.10(b). Patent Owner has not filed a Power of Attorney identifying Mr. Jarrett in these proceedings. Mr. Jarretts's *pro hac vice* admission will not be effective until Patent Owner files a Power of Attorney for Mr. Jarrett in each proceeding. Upon admission, Mr. Jarrett will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Bradley Jarrett are *conditionally granted*, effective upon the filing of a Power of Attorney identifying Mr. Jarrett in each proceeding;

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

FURTHER ORDERED that Mr. Jarrett is authorized to represent Patent Owner as back-up counsel only in these proceedings;

FURTHER ORDERED that Mr. Jarrett be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations[5]; and

FURTHER ORDERED that Mr. Jarrett is subject to the Office's

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[4] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

[5] Mr. Jarrett refers to "part 37 C.F.R. Part 42," rather than Part 42 of *Title* 37 of the Code of Federal Regulations. Ex. 2025 ¶ 5. We deem this to be harmless error.

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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