

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL MOTORS LLC,
Petitioner,

v.

EDWARD H. NORTRUP,
Patent Owner.

IPR2023-00994
Patent 10,444,028 B2

Before JEFFREY S. SMITH, GEORGIANNA W. BRADEN, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Joseph Herriges
37 C.F.R. § 42.10

On August 6, 2024, Petitioner filed a motion for *pro hac vice* admission of Joseph Herriges in the above-identified proceeding (“Motion”). Paper 21. Petitioner also filed a declaration from Mr. Herriges in support of the Motion (“Declaration”). Ex. 1019. Petitioner attests that Patent Owner does not oppose the Motion. Motion 1.

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 4, 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 Mr. Herriges has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Herriges has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Herriges meets all other requirements for admission *pro hac vice*. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Herriges.

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Herriges. In view thereof, and for the reasons set forth below, the Motion is conditionally granted, and is to be effective upon the filing of the aforementioned Power of Attorney.

Petitioner also has not filed mandatory notices identifying Mr. Herriges as back-up counsel. Therefore, Petitioner must update its mandatory notices as required by 37 C.F.R. § 42.8(b)(3), to identify Mr. Herriges as back-up counsel.

Accordingly, it is:

ORDERED that Petitioner's Motion for *pro hac vice* admission of Joseph Herriges is *conditionally granted*, provided that within three (3) business days of the date of this order, Petitioner submits a Power of Attorney for Mr. Herriges in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner must file updated mandatory notices identifying Mr. Herriges as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Mr. Herriges be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (November 2019), and comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations²; and

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

² The Declaration incorrectly states that "I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of *the* Code of Federal Regulations." Ex. 1019 ¶ 5. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations.

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FURTHER ORDERED that Mr. Herriges 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.*

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