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Paper: 11
Entered: November 14, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAZOOKA-FARMSTAR, LLC,
Petitioner,

v.

NUHN INDUSTRIES LTD.,
Patent Owner.

IPR2023-01161
Patent 11,358,425 B1

Before MEREDITH C. PETRAVICK, MATTHEW S. MEYERS, and BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of MICHAEL A. ERBELE
37 C.F.R. § 42.10

On November 2, 2023, Petitioner filed a motion requesting *pro hac vice* admission of Michael A. Erbele. Paper 8 ("Motion" or "Mot."). Petitioner also submitted a Declaration from Michael A. Erbele in support of the Motion. Ex. 1069 ("Declaration"). Petitioner attests that Patent Owner does not oppose the Motion. Paper 8, 8.

For the reasons provided below, Petitioner's Motion is *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 Motion and the accompanying Declaration, we conclude that Mr. Erbele 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. 1069. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Erbele. Mr. Erbele will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Mr. Erbele in accordance with 37 C.F.R. § 42.10(b). Paper 2. Petitioner has filed a Mandatory Notice identifying Mr. Erbele as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 8) for *pro hac vice* admission of Michael A. Erbele is *granted*;

FURTHER ORDERED that Mr. Erbele is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Erbele comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[1] (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. Erbele 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.*

FOR PETITIONER:

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