

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BILLERUD AKTIEBOLAG (PUBL),
Petitioner,

v.

WESTROCK MWV, LLC,
Patent Owner.

IPR2023-01206
Patent 11,293,142 B2

Before DONNA M. PRAISS, CHRISTOPHER M. KAISER, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Charles S. Baker
37 C.F.R. § 42.10

On August 23, 2023, Patent Owner filed a Motion for *pro hac vice* admission of Charles S. Baker in the above-captioned proceeding. Paper 8 (“Motion” or “Mot.”). Patent Owner also filed a Declaration of Mr. Baker in support of the Motion. Ex. 2001 (“Declaration”). The Motion does not state if it is opposed, but Petitioner did not file an opposition. For the reasons provided below, the Motion is *granted*.

Pursuant to 37 C.F.R. § 42.10(c), we 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. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motion and averred in the Declaration, we conclude that Mr. Baker has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Baker has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Mr. Baker meets all other requirements for admission *pro hac vice*. We further conclude that Patent Owner’s interest in being represented in the instant proceeding by counsel with litigation experience weighs in favor of granting the Motion. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Baker. The Motion is hereby granted, and Mr. Baker will be permitted to appear *pro hac vice* in the instant proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner submitted a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) for Mr. Baker. *See* Paper 7. In addition, Patent Owner's updated mandatory notices identify Mr. Baker as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). *See* Paper 6.

ORDER

Accordingly, it is

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Charles S. Baker in the instant proceeding is *granted*;

FURTHER ORDERED that Mr. Baker is authorized to represent Patent Owner only as back-up counsel in the instant proceeding;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Baker is to comply with the Office Patent 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;² and

FURTHER ORDERED that Mr. Baker is to be 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>.

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, as set forth in Part 42 of *the* CFR." Ex. 2001 ¶ 7 (emphasis added). 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. We interpret the citation as referring to the correct Title of the Code of Federal Regulations.

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For PETITIONER:

Richard S. Myers, Jr.
Terry Wright
Stephen Weyer
STITES & HARBISON, PLLC
richard.myers@stites.com
twright@stites.com
sweyer@stites.com

For PATENT OWNER:

Scott D. Wofsy
LOCKE LORD LLP
scott.wofsy@lockelord.com