

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASTERCARD INCORPORATED AND MASTERCARD
INTERNATIONAL INCORPORATED,
Petitioner,

v.

OV LOOP, INC.,
Patent Owner.

IPR2023-01289 (Patent 10,032,171 B2)
IPR2023-01290 (Patent 10,032,171 B2)¹

Before LYNNE H. BROWNE, JAMES A. TARTAL, and
BRENT M. DOUGAL, Administrative Patent Judges.

TARTAL, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Unopposed Motions for *Pro Hac Vice* Admission
of Spencer Hosie, Diane Rice, and Darrell Atkinson
37 C.F.R. § 42.10(c)

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be entered in each case. The Parties, however, are not authorized to use this caption.

On November 29, 2023, Patent Owner filed Motions for admission *pro hac vice* of Spencer Hosie (Paper 8), Diane Rice (Paper 9), and Darrell Atkinson (Paper 10) (collectively, “the Motions”) in each of the above-identified proceedings.² Patent Owner also filed supporting Declarations of Mr. Hosie (Ex. 2001), Ms. Rice (Ex. 2002), and Mr. Atkinson (Ex. 2003). Patent Owner indicates, in the title on the cover sheet of each Motion, that the Motions are unopposed. Paper 8; Paper 9; Paper 10.

We grant the Motions.

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).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Hosie, Ms. Rice, and Mr. Atkinson have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Hosie, Ms. Rice, and Mr. Atkinson have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Mr. Hosie, Ms. Rice, and Mr. Atkinson meet all other requirements for admission *pro hac vice*. *See* Ex. 2001 ¶¶ 1–10; Ex. 2002 ¶¶ 1–10; Ex. 2003 ¶¶ 1–10. Accordingly, Patent Owner has

² For expediency, we refer to Paper and Exhibit numbers filed in IPR2023-01289. Similar Papers and Exhibits were filed in IPR2023-01290.

established good cause for *pro hac vice* admission of Mr. Hosie, Ms. Rice, and Mr. Atkinson.

Accordingly, it is:

ORDERED that Patent Owner's motions for admission *pro hac vice* of Spencer Hosie, Diane Rice, and Darrell Atkinson in these proceedings are *granted*, and Mr. Hosie, Ms. Rice, and Mr. Atkinson are authorized to represent Patent Owner only as back-up counsel;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Hosie, Ms. Rice, and Mr. Atkinson shall comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))³ and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;⁴

FURTHER ORDERED that Mr. Hosie, Ms. Rice, and Mr. Atkinson shall be subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁴ Each Declaration states that “I have reviewed 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. 2001 ¶ 5; Ex. 2002 ¶ 5; Ex. 2003 ¶ 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. We deem this harmless error.

IPR2023-01289 (Patent 10,032,171 B2)

IPR2023-01290 (Patent 10,032,171 B2)

FOR PETITIONER:

Eliot D. Williams

Jennifer Tempesta

Baker Botts L.L.P

eliot.williams@bakerbotts.com

jennifer.tempesta@bakerbotts.com

FOR PATENT OWNER:

Seth Lindner

Brett Cooper

Robert A. Auchter

Spencer Hosie

Diane S. Rice

Darrell Atkinson

BC Law Group, P.C.

slindner@bc-lawgroup.com

bcooper@bc-lawgroup.com

robert@auchterlaw.com

shosie@hosielaw.com

drice@hosielaw.com

datkinson@hosielaw.com