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Paper 22
Entered: July 30, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

10X GENOMICS, INC.,
Petitioner,

v.

BRUKER SPATIAL BIOLOGY, INC.,
Patent Owner.

IPR2023-01298 (Patent 11,377,689 B2)
IPR2023-01300 (Patent 11,473,142 B2)

Before SUSAN L. C. MITCHELL, DEVON ZASTROW NEWMAN, and JAMIE T. WISZ, *Administrative Patent Judges*.

NEWMAN, *Administrative Patent Judge*.

ORDER[1]
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Edward R. Reines
37 C.F.R. § 42.10

[1] The combined caption is for administrative convenience only and does not indicate that IPR2023-01298 and IPR2023-01300 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On July 19, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Edward R. Reines in each of the above-identified proceedings (collectively "Motions"). Paper 27.[2] Patent Owner also submitted Declarations from Edward R. Reines in support of the Motions (collectively "Declarations"). Ex. 2004.[3] Patent Owner attests that Petitioner does not oppose the Motions. Paper 27, 1.

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. Reines has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Ex. 2004. Accordingly, Patent Owner has established

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[2] For purposes of expediency, we cite to Papers filed in IPR2023-01298. Patent Owner filed a similar Motion in IPR2023-01300 (Paper 20).
[3] We cite to Exhibits filed in IPR2023-01298. Patent Owner filed a similar Declaration in IPR2023-01300 (Ex. 2005).

good cause for *pro hac vice* admission of Mr. Reines. Mr. Reines will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

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. Reines. Therefore, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney. Patent Owner has not filed updated Mandatory Notices identifying Mr. Reines as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Mr. Reines as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Edward R. Reines are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a Power of Attorney for Edward R. Reines in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated Mandatory Notice identifying Mr. Reines as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Reines is authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Reines comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (84 Fed. Reg. 64,280

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

(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. Reines 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.*

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