

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SRAM, LLC,
Petitioner,

v.

FOX FACTORY, INC.,
Patent Owner.

IPR2023-01301 (Patent 9,739,331 B2)
IPR2023-01302 (Patent 9,739,331 B2)¹

Before MEREDITH C. PETRAVICK, JEREMY M. PLENZLER, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Richard B. Walsh, Jr.
37 C.F.R. § 42.10

¹ This Order applies to each of the listed proceedings. The parties are not authorized to use this style heading for any subsequent papers.

On October 3, 2023, Petitioner filed a Motion for *Pro Hac Vice* Admission of Richard B. Walsh, Jr. in each of the above-captioned proceedings. Paper 7 (“Motion”).² Petitioner also filed a Declaration of Mr. Walsh in support of the Motion. Ex. 1016 (“Declaration”). Petitioner represents that Patent Owner does not oppose the Motion. Motion 6, ¶ 8. For the reasons discussed below, Patent Owner’s Motion is granted.

In accordance with 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, 3 (citing *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. Walsh has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Walsh has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Petitioner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Walsh. Mr. Walsh will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

² We cite to Papers and Exhibits filed in IPR2023-01301. Similar Papers and Exhibits were filed in IPR2023-01302.

Accordingly, it is hereby:

ORDERED that Petitioner's Motions for *Pro Hac Vice* admission of Richard B. Walsh, Jr. are granted;

FURTHER ORDERED that Mr. Walsh is authorized to represent Petitioner only as back-up counsel in the above-captioned proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in the above-captioned proceedings;

FURTHER ORDERED that Mr. Walsh is to comply with the Consolidated Trial Practice Guide³ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Mr. Walsh shall 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.*

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

IPR2023-01301 (Patent 9,739,331 B2)

IPR2023-01302 (Patent 9,739,331 B2)

PETITIONER:

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