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Paper 19
Entered: April 22, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARKNINJA, INC.,
SHARKNINJA OPERATING LLC,
SHARKNINJA MANAGEMENT LLC, and
SHARKNINJA SALES COMPANY,
Petitioner,

v.

DYSON TECHNOLOGY LIMITED,
Patent Owner.

IPR2023-01322 (Patent 10,433,687 B2)
IPR2023-01324 (Patent 9,414,662 B2)[1]

Before JAMES A. TARTAL, FRANCES L. IPPOLITO, and MATTHEW S. MEYERS, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for *Pro Hac Vice* Admission of
Brian A. Rosenthal and Ahmed ElDessouki
37 C.F.R. § 42.10

[1] The combined caption is for administrative convenience only and does not indicate that IPR2023-01322 and IPR2023-01324 have been joined. Parties are not authorized to use this caption without express Board permission.

On April 10, 2024, Petitioner filed motions requesting *pro hac vice* admission of Brian A. Rosenthal and Ahmed ElDessouki in each of the above-identified proceedings. Papers 15 and 16 (collectively "Motions"). Petitioner also submitted Declarations from Brian A. Rosenthal (Ex. 1009) and Ahmed ElDessouki (Ex. 1010) in support of the Motions (collectively "Declarations").[2] Patent Owner has not opposed the Motions. For the reasons provided below, Petitioner's Motions are *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. Rosenthal and Mr. ElDessouki each have sufficient legal and technical qualifications to represent Petitioner in these proceedings, have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. *See* Exs. 1009 and 1010. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Rosenthal and Mr. ElDessouki. Mr. Rosenthal and

[2] We cite to Exhibits filed in IPR2023-01322. Petitioner filed similar Declarations in IPR2023-01324 (Exs. 1012 and 1013).

Mr. ElDessouki 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. Rosenthal and Mr. ElDessouki in accordance with 37 C.F.R. § 42.10(b). IPR2023-01322, Paper 17; and IPR2023-01324, Paper 15. Petitioner has also filed Mandatory Notices identifying Mr. Rosenthal and Mr. ElDessouki as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-01322, Paper 18; and IPR2023-01324, Paper 16.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Brian A. Rosenthal and Ahmed ElDessouki are *granted*;

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

FURTHER ORDERED that Mr. Rosenthal and Mr. ElDessouki are authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Rosenthal and Mr. ElDessouki be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[3] (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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. Rosenthal and Mr. ElDessouki are 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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[3] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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