

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

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

TARTAL, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Jay Emerick
37 C.F.R. § 42.10

On July 19, 2024, Patent Owner filed a motion requesting *pro hac vice* admission of Jay Emerick in the above-identified proceeding. Paper 10 (“Motion” or “Mot.”). Patent Owner also submitted a declaration from Mr. Emerick in support of the Motion. Ex. 2026 (the “Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Mot. 1. For the reasons provided below, Patent Owner’s Motion is *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 Motion and the accompanying Declaration, we conclude that Mr. Emerick 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. 2026. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Emerick. Mr. Emerick will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Patent Owner has not filed updated Mandatory Notices identifying Mr. Emerick as back-up counsel. Therefore, Patent Owner must file updated

Mandatory Notices identifying Mr. Emerick 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 Motion for *pro hac vice* admission of Mr. Emerick is *granted*;

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

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

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

FURTHER ORDERED that Mr. Emerick be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (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. Emerick 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.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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