

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, FRANCES L. IPPOLITO, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

ORDER
*Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Caitlin Dean
37 C.F.R. § 42.10*

Patent Owner filed a Motion for *Pro Hac Vice* Admission of Caitlin Dean (Paper 40) in the above-captioned proceeding. Patent Owner submitted a Declaration of Caitlin Dean (Ex. 2027) in support of the Motion. Patent Owner states Petitioner does not oppose this Motion. Paper 40, 1.

Ms. Dean has been granted permission to participate as a LEAP practitioner in the oral argument in this proceeding scheduled for December 5, 2024, if the Motion for *Pro Hac Vice* Admission is granted. Paper 43; Paper 37. For the reasons provided below, Patent Owner's Motion is *conditionally granted*, pending the filing of a corrected declaration for Ms. Dean no later than December 3, 2024.

In accordance with 37 C.F.R. § 42.10(c)(1), 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, Paper 7 (PTAB Oct. 15, 2013) (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 Ms. Dean has sufficient legal and technical qualifications to represent Patent Owner in this proceeding and has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding. *See* Ex. 2027 ¶¶ 1–11.

However, the Declaration (Ex. 2027) does not comply with the requirements of *Unified Patents* because the Declaration has the following deficiencies:

1. The following statement is missing: “I have never had an application for admission to practice before any court or administrative body denied.”
2. Paragraph 8 should state “court or administrative body” instead of “court or admission.”
3. Paragraph 11 should cite “37 C.F.R. § 11.19(a)” not “37 C.F.R. § 11.19(e)” and should cite the USPTO “Rules of Professional Conduct” not the “Code of Professional Conduct.”

Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Dean if these deficiencies are corrected. Ms. Dean will be permitted to serve as back-up counsel upon correction of the declaration. *See* 37 C.F.R. § 42.10(c)(1). We note that Patent Owner filed a Power of Attorney including Ms. Dean in accordance with 37 C.F.R. § 42.10(b). Paper 38. Patent Owner has also filed an updated mandatory notice identifying Ms. Dean as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 39.

Accordingly, it is

ORDERED that Patent Owner’s Motion for *pro hac vice* admission of Ms. Dean is *conditionally granted* provided that Patent Owner files a corrected declaration for Ms. Dean that corrects the deficiencies set forth above, no later than December 3, 2024,

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner represent it as lead counsel in this proceeding;

FURTHER ORDERED that Ms. Dean is authorized to act as back-up counsel only in this proceeding and only after submission of a corrected declaration;

FURTHER ORDERED that Ms. Dean shall be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))¹ 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 Ms. Dean 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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