

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

CENTRIPETAL NETWORKS, LLC,
Patent Owner.

IPR2023-01329
Patent 10,785,266 B2

Before KEVIN F. TURNER, AARON W. MOORE, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Andrew Radsch
37 C.F.R. § 42.10

On September 20, 2023, Petitioner filed a Motion for *Pro Hac Vice* Admission of Andrew Radsch. Paper 7. The Motion is supported by a Declaration of Mr. Radsch.¹ Ex. 1013. Petitioner indicates that Patent Owner does not oppose the Motion. Paper 7, 2.

Upon review of the record before us, we determine that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Radsch *pro hac vice*. In particular, Mr. Radsch declares that he has “extensive experience litigating patent infringement cases” and is “familiar with U.S. Patent No. 10,785,266 and the issues involved in this case.” Ex. 1013 ¶ 8.

It is, therefore,

ORDERED that Petitioner’s Motion for *Pro Hac Vice* Admission of Andrew Radsch is granted; Mr. Radsch is authorized to act only as back-up counsel;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel;

¹ Mr. Radsch provides that he, “being duly sworn and upon oath, hereby attest[s]” to the statements in Exhibit 1013. This language, however, is normally associated with an affidavit, which requires undertaking an oath before a notarial officer whose seal and signature appear on the document. *See* 37 C.F.R. § 1.66. These items are missing in Exhibit 1013, and so it is not a proper affidavit. Nevertheless, a declaration may be provided in lieu of an affidavit. *See* 37 C.F.R. § 42.2 (“Affidavit means affidavit or declaration under § 1.68 of this chapter. . . . [A] declaration under 28 U.S.C. 1746 may be used as an affidavit.”). Here, Exhibit 1013 suffices as a proper declaration under 28 U.S.C. § 1746, given the statement by Mr. Radsch that he “declare[s] under penalty of perjury that the foregoing is true and correct,” with his signature and date. Ex. 1013. The language regarding “being duly sworn and upon oath” (*id.*) is deemed harmless error.

FURTHER ORDERED that Mr. Radsch is to comply with the Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (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. Radsch is to 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.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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PETITIONER:

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