

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OMEGA LINER COMPANY, INC.,
Petitioner,

v.

BUERGOFOL GMBH,
Patent Owner.

IPR2023-01272 (Patent 9,657,882 B2)
IPR2023-01402 (Patent 8,794,269 B2)¹

Before GRACE KARAFFA OBERMANN, KIMBERLY MCGRAW, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Monte M. Bond
37 C.F.R. § 42.10

¹ This Order addresses issues common to both proceedings, therefore, we enter the same Order in each case file. The proceedings are not joined or consolidated. The parties may use this style heading in subsequent papers, provided that such heading includes a footnote attesting that "the word-for-word identical paper is filed in each proceeding identified in the heading."

IPR2023-01372 (Patent 9,657,882 B2)

IPR2023-01402 (Patent 8,794,269 B2)

Petitioner filed motions for admission *pro hac vice* of Monte M. Bond (Paper 6) in each of the above-captioned proceedings (collectively, “Motions”).² The Motions are supported by Declarations of Mr. Bond. Ex. 1042. For the following reasons, the Motions are *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. 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. Bond has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Bond has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Mr. Bond meets all other requirements for admission *pro hac vice*. *See* Ex. 1042 ¶¶ 1–10, IPR2023-01372; *see also* Ex. 1047 ¶¶ 1–10, IPR2023-01402. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Bond.

Petitioner filed Powers of Attorney including Mr. Bond in accordance with 37 C.F.R. § 42.10(b). Paper 1.

² Paper and exhibit numbers are to IPR2023-01372. A corresponding paper and exhibit were filed in IPR2023-01402 (*see* Paper 8; Ex. 1047).

IPR2023-01372 (Patent 9,657,882 B2)

IPR2023-01402 (Patent 8,794,269 B2)

It is

ORDERED that the Motions are *granted* and Monte M. Bond is authorized to represent Petitioner as back-up counsel in both proceedings;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in both proceedings;

FURTHER ORDERED that Mr. Bond shall comply with the USPTO's Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)),³ 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 that Mr. Bond is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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

IPR2023-01372 (Patent 9,657,882 B2)

IPR2023-01402 (Patent 8,794,269 B2)

PETITIONER:

Michael S. Neustel
michael@neustel.com

PATENT OWNER:

Patrick A. Doody
Darien Wallace
T. Lester Wallace
Pillsbury Winthrop Shaw Pittman LLP
patrick.doody@pillsburylaw.com
darien@imperiumpw.com
lester@imperiumpw.com