

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOAST, INC.,
Petitioner,

v.

GRATUITY, LLC,
Patent Owner.

IPR2023-01408
Patent 9,741,050 B2

Before MEREDITH C. PETRAVICK, CYNTHIA L. MURPHY, and
JASON W. MELVIN, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Srikanth K. Reddy
37 C.F.R. § 42.10

On October 16, 2024, Petitioner filed a motion requesting *pro hac vice* admission of Srikanth K. Reddy. Paper 19 (“Motion”). Petitioner also submitted a Declaration of Srikanth K. Reddy in support of the Motion. Ex. 1038 (“Declaration”). Petitioner attests that Patent Owner does not oppose the Motion. Motion 1. For the reasons provided below, Petitioner’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. Reddy has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1038. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Reddy. Mr. Reddy 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. Reddy in accordance with 37 C.F.R. § 42.10(b). Paper 1. Petitioner has also

filed a Mandatory Notice identifying Mr. Reddy as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 2, 2–3.

In consideration of the foregoing, it is hereby
ORDERED that Petitioner’s Motion (Paper 19) for *pro hac vice* admission of Srikanth K. Reddy is *granted*;

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

FURTHER ORDERED that Mr. Reddy is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Reddy 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. Reddy 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>.

IPR2023-01408
Patent 9,741,050 B2

FOR PETITIONER:

Sanjeet Dutta
Andrew S. Ong
GOODWIN PROCTER LLP
sdutta@goodwinlaw.com
aong@goodwinlaw.com

FOR PATENT OWNER:

Timothy Devlin
Alan Wright
DEVLIN LAW FIRM LLC
tdevlin@devlinlawfirm.com
awright@devlinlawfirm.com