

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC. and AMAZON.COM SERVICES LLC,
Petitioner,

v.

LIGHTGUIDE, INC.,
Patent Owner.

IPR2023-01423
Patent 10,528,036 B2

Before KEVIN F. TURNER, SHARON FENICK, and
ANDREAS BALTATZIS, *Administrative Patent Judges*.

BALTATZIS, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Unopposed Motion for
Pro Hac Vice Admission Pursuant to 37 C.F.R. § 42.10(c)
37 C.F.R. § 42.10

On November 30, 2023, LightGuide, Inc. (“Patent Owner”) filed a Motion for *Pro Hac Vice* Admission of Richard S. Florsheim, pursuant to 37 C.F.R. § 42.10(c). Paper 7 (“Motion”). Patent Owner submitted a Declaration from Mr. Florsheim in support of the Motion. Motion Attachment A (“Declaration”).¹ Petitioner did not oppose the Motion.

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 Motion and the accompanying Declaration, we conclude that Mr. Florsheim has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Florsheim has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Florsheim meets all other requirements for admission *pro hac vice*. *See* Motion;

¹ Patent Owner filed the Declaration as an attachment to the Motion. We excuse this mistake on this occasion, but remind the parties that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

Declaration. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Florsheim.

Patent Owner has not filed a Power of Attorney including Mr. Florsheim, or mandatory notices identifying Mr. Florsheim as back-up counsel. Under these circumstances, we *conditionally* grant Patent Owner's Motion.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission Pursuant to 37 C.F.R. § 42.10(c) (Paper 7) is *conditionally granted*, provided that within ten (10) days of the date of this Order, Patent Owner files a power of attorney and updated mandatory notices identifying Mr. Florsheim as back-up counsel;

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Mr. Florsheim is authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Florsheim comply with the Patent Trial and Appeal Board's 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. Florsheim 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.*

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

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