

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFECORE FITNESS, LLC
d/b/a ASSAULT FITNESS,
Petitioner,

v.

WOODWAY USA, INC.,
Patent Owner.

IPR2024-00083
Patent 11,465,005 B2

Before MEREDITH C. PETRAVICK, NEIL T. POWELL, and
AMEE A. SHAH, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Jack T. Carroll
37 C.F.R. § 42.10

On February 10, 2025, Patent Owner filed a Motion for *Pro Hac Vice* Admission of Jack T. Carroll in the above-identified proceeding. Paper 45. The Motion is supported by a Declaration of Mr. Carroll. Ex. 2086. Patent Owner indicates that Petitioner does not oppose the Motion. Paper 45, 2.

“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 and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). For example, a motion for *pro hac vice* admission may be granted “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.*

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. Carroll *pro hac vice* in the above-identified proceeding. In particular, Mr. Carroll states that he is “an experienced patent litigation attorney with more than 5 years of experience representing clients in patent cases,” and has “an established familiarity with the subject matter at issue” in this proceeding and has “been assisting lead counsel since the outset of the proceeding.” Ex. 2086 ¶¶ 11, 12.

Our rules provide, however, that “[a] power of attorney must be filed with the designation of counsel.” 37 C.F.R. § 42.10(b). Patent Owner has not filed a Power of Attorney designating Mr. Carroll as counsel in accordance with 37 C.F.R. § 42.10(b). Accordingly, Mr. Carroll’s admission *pro hac vice* in this proceeding will not be effective until Patent Owner files the aforementioned Power of Attorney.

Additionally, Patent Owner's Mandatory Notices of record do not identify Mr. Carroll as back-up counsel. *See* Paper 3. Therefore, Patent Owner must file updated Mandatory Notices identifying Mr. Carroll as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

It is, therefore,

ORDERED that Patent Owner's Motion for *Pro Hac Vice* Admission of Jack T. Carroll (Paper 45) is *conditionally granted*, effective upon the filing of a Power of Attorney designating Mr. Carroll in the above-identified proceeding; Mr. Carroll is authorized to act only as back-up counsel in the above-identified proceeding;

FURTHER ORDERED that Patent Owner must file updated Mandatory Notices identifying Mr. Carroll as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the above-identified proceeding;

FURTHER ORDERED that Mr. Carroll is to comply with the Consolidated Trial Practice Guide¹ (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. Carroll is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2024-00083
Patent 11,465,005 B2

USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*²

² Mr. Carroll states that he “will be subject to the USPTO Code of Professional Responsibility” (Ex. 2086 ¶ 8), rather than the USPTO Rules of Professional Conduct. We deem this to be harmless error.

IPR2024-00083
Patent 11,465,005 B2

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