

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AFFORDABLE WIRE MANAGEMENT, LLC,
Petitioner,

v.

CAMBRIA COUNTY ASSOCIATION FOR THE BLIND AND
HANDICAPPED, INC.,
Patent Owner.

IPR2024-00139 (Patent 10,177,551 B1)
IPR2024-00178 (Patent 11,349,291 B2)
IPR2024-00182 (Patent 11,349,291 B2)

Before JAMES P. CALVE, FRANCES L. IPPOLITO, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

PER CURIAM.

ORDER¹

Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Edward C. Flynn
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that IPR2024-00139, IPR2024-00178, and IPR2024-00182 have been joined. The parties are not authorized to use this caption without express permission of the Board.

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On December, 8, 2023, Patent Owner filed motions requesting *pro hac vice* admission of Edward C. Flynn in each of the above-identified proceedings (collectively “Motions”). Paper 9.² Patent Owner also submitted Declarations from Edward C. Flynn in support of the Motions (collectively Declarations”). Ex. 9 at Ex. A.³ Patent Owner attests that Petitioner does not oppose the Motions. Paper 9, 1.

For the reasons provided below, Patent Owner’s Motions are *conditionally 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 Motions and the accompanying Declarations, we conclude that Mr. Flynn has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, has

² For purposes of expediency, we cite to Papers filed in IPR2024-00139. Patent Owner filed similar Motions in IPR2024-00178 (Paper 10) and IPR2024-00182 (Paper 10).

³ Patent Owner appended the Declarations to the Motions. We remind Patent Owner of the requirement for filing affidavits and declarations separately as exhibits so that they may be referenced individually by exhibit number. *See* 37 C.F.R. § 42.63(a). We excuse this mistake on this occasion.

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demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. See Paper 9, Ex. A ¶¶ 1–9. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Flynn. Mr. Flynn will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

Upon a review of the record before us, we note that Patent Owner has not submitted Powers of Attorney for Mr. Flynn in accordance with 37 C.F.R. § 42.10(b). In view thereof, Patent Owner’s Motions are *conditionally granted*, and are to be effective after Patent Owner files the aforementioned Powers of Attorney. Patent Owner has also not submitted Mandatory Notices identifying Mr. Flynn as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Edward C. Flynn are *conditionally granted* provided that within ten (10) days of the date of this Order, Patent Owner submits Powers of Attorney, in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Mr. Flynn 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 for the above-identified proceedings;

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FURTHER ORDERED that Mr. Flynn is authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Flynn comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴ (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;⁵ and

FURTHER ORDERED that Mr. Flynn 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.*

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁵ Mr. Flynn incorrectly declares that he has read and will comply with the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R." Paper 9, Ex. A ¶ 8. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We excuse this mistake on this occasion, noting that Mr. Flynn will comply with the Board's Rules of Practice for Trials set forth in Part 42 of Title 37, Code of Federal Regulations.

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