

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)¹

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

ENGELS, *Administrative Patent Judge*.

DECISION

Conditionally Granting Petitioner's Unopposed Motions for *Pro Hac Vice*
Admission of Andrew H. DeVoogd and Robert C. Sweeney
37 C.F.R. § 42.10(c)

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be entered in each case. The parties, however, are not authorized to use this caption.

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On November 17, 2023, Petitioner filed Motions for admission *pro hac vice* of Andrew H. DeVoogd (Paper 4) and Robert C. Sweeney (Paper 5) (collectively, “the Motions”) in each of the above-identified proceedings.² Petitioner also filed supporting Declarations of Mr. DeVoogd (Ex. 1038) and Mr. Sweeney (Ex. 1039) (collectively, “the Declarations”). Petitioner indicates in each Motion that “Counsel for Patent Owner has indicated that Patent Owner does not oppose this motion.” Paper 4, 1; Paper 5, 1.

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. DeVoogd and Mr. Sweeney have sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. DeVoogd and Mr. Sweeney have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Mr. DeVoogd and Mr. Sweeney meet all other requirements for admission *pro hac vice*. *See* Ex. 1038 ¶¶ 1–8; Ex. 1039 ¶¶

² For expediency, we refer to Paper and Exhibit numbers filed in IPR2024-00139. Similar Papers and Exhibits were filed in IPR2024-00178 and IPR2024-00182.

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1–9. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. DeVoogd and Mr. Sweeney.

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. DeVoogd and Mr. Sweeney. In view thereof, and for the reasons set forth below, the Motions are *conditionally granted*, and will be effective after Petitioner files the aforementioned Power of Attorney.

Accordingly, it is:

ORDERED that Petitioner’s motions for admission *pro hac vice* of Andrew H. DeVoogd (Paper 4) and Robert C. Sweeney (Paper 5) in these proceedings are *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner must submit a Power of Attorney for Mr. DeVoogd and Mr. Sweeney in accordance with 37 C.F.R. § 42.10(b) in each of these proceedings;

FURTHER ORDERED that Petitioner must file updated mandatory notices identifying Mr. DeVoogd and Mr. Sweeney as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3) in each of these proceedings;

FURTHER ORDERED that Mr. DeVoogd and Mr. Sweeney will be authorized to act only as back-up counsel in the above-identified proceedings;

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

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FURTHER ORDERED that Mr. DeVoogd and Mr. Sweeney shall comply with the Consolidated Trial Practice Guide³ (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. DeVoogd and Mr. Sweeney shall be 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.*

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

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