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Paper 22
Entered: August 19, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HANSHOW AMERICA INC. and
HANSHOW TECHNOLOGY CO., LTD.,
Petitioner,

v.

SES-IMAGOTAG GMBH,
Patent Owner.

IPR2024-00188 (Patent 11,405,669 B2)
IPR2024-00189 (Patent 10,674,340 B2)
IPR2024-00208 (Patent 11,010,709 B2)

Before JAMES P. CALVE, BRIAN J. McNAMARA, and TERRENCE W. McMILLIN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

ORDER[1]
Granting Petitioner's Motions for
Pro Hac Vice Admission of Christopher J. Fahy
37 C.F.R. § 42.10

[1] The combined caption is for administrative convenience only and does not indicate that IPR2024-00188, IPR2024-00189, and IPR2024-00208 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On August 7, 2024, Petitioner filed motions requesting *pro hac vice* admission of Christopher J. Fahy in each of the above-identified proceedings (collectively "Motions"). Paper 19.[2] Petitioner also submitted Declarations from Christopher J. Fahy in support of the Motions (collectively "Declarations"). Ex. 1013.[3] Petitioner attests that Patent Owner does not oppose the Motions.

For the reasons provided below, Petitioner'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. Fahy has sufficient legal and technical qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of

[2] For purposes of expediency, we cite to Papers filed in IPR2024-00188. Petitioner filed a similar Motion in IPR2024-00189 (Paper 17) and IPR2024-00208 (Paper 22).
[3] We cite to Exhibits filed in IPR2024-00188. Petitioner filed a similar Declaration in IPR2024-00189 (Ex. 1010) and IPR2024-00208 (Ex. 1012).

these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1013. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Fahy. Mr. Fahy will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

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. Fahy. Therefore, Petitioner's Motion is *conditionally granted*, and is to be effective after Petitioner files the aforementioned Power of Attorney. Petitioner has not filed updated Mandatory Notices identifying Mr. Fahy as back-up counsel. Therefore, Petitioner must file an updated Mandatory Notice identifying Mr. Fahy 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 Petitioner's Motions for *pro hac vice* admission of Christopher J. Fahy are *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner submits a Power of Attorney for Christopher J. Fahy in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner must file an updated Mandatory Notice in each of the above-identified proceedings identifying Mr. Fahy as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

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

FURTHER ORDERED that Mr. Fahy comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (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. Fahy 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.

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