

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROVISUR TECHNOLOGIES, INC.,
Petitioner,

v.

TEXTOR MASCHINENBAU GMBH,
Patent Owner.

IPR2024-00224
Patent 9,457,487 B2

Before JEREMY M. PLENZLER, CARL M. DEFRANCO, and
JASON W. MELVIN, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Keaton A. Sheeler
37 C.F.R. § 42.10

Petitioner filed a motion requesting *pro hac vice* admission of Keaton A. Sheeler. Paper 29 (“Mot.”). Petitioner also submitted a declaration from Mr. Sheeler in support of the Motion. Ex. 1035 (“Dec.”). Petitioner indicates that Patent Owner does not oppose the Motion.¹

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.

Based on the facts set forth in the Motion and the accompanying declaration, we conclude that Mr. Sheeler has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Sheeler has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Sheeler meets all other requirements for admission *pro hac vice*. *See* Motion. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Sheeler. Thus, Mr. Sheeler will be permitted to serve as back-up counsel. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Mr. Sheeler in accordance with 37 C.F.R. § 42.10(b). Paper 30. However, Petitioner did not file an updated mandatory notice identifying Mr. Sheeler as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3).

¹ Petitioner filed the Motion as “Unopposed.” *See* Mot. 1.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion for *pro hac vice* admission of Keaton A. Sheeler is *granted*;

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

FURTHER ORDERED that Mr. Sheeler is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. Sheeler as back-up counsel, in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Sheeler be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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. Sheeler 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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