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Paper 37
Date: February 28, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROVISUR TECHNOLOGIES, INC.,
Petitioner,

v.

WEBER FOOD TECHNOLOGY GMBH,
Patent Owner.

IPR2024-00235
Patent 8,529,321 B2

Before CARL M. DEFRANCO, RYAN H. FLAX, and ROBERT J. SILVERMAN, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge.*

ORDER
Granting Petitioner's Motion for
Admission *Pro Hac Vice* of Henry C. Thomas
37 C.F.R. § 42.10

On February 13, 2025, Petitioner filed a motion for admission *pro hac vice* of Henry C. Thomas in this proceeding. Paper 28. The Motion relies on a Declaration from Mr. Thomas. Ex. 1040. Petitioner indicates that the Motion is unopposed. Paper 28, Title. For the reasons provided below, Petitioner's Motion is *granted*.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB 2013) (representative "Order – Authorizing Motion for Pro Hac Vice Admission").

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

Petitioner must file an updated Mandatory Notice identifying Mr. Thomas as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

ORDER

It is:

ORDERED that Petitioner must file an updated Mandatory Notice identifying Mr. Thomas 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 as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Thomas is authorized to represent Petitioner as back-up counsel for this proceeding;

FURTHER ORDERED that Mr. Thomas is to be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 2019), *available at* https://www.uspto.gov/TrialPracticeGuideConsolidated, 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. Thomas is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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