

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROVISUR TECHNOLOGIES, INC.,
Petitioner,

v.

WEBER FOOD TECHNOLOGY GMBH,
Patent Owner.

Case IPR2024-00269
Patent 11,331,823

**PROVISUR’S UNOPPOSED MOTION FOR ADMISSION *PRO HAC*
VICE OF HENRY C. THOMAS**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10, Petitioner Provisur Technologies, Inc. (“Provisur”) requests that the Board admit Henry C. Thomas *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* DURING THE PROCEEDING

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 and to any other conditions as the Board may impose. “[W]here lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigation attorney and has an established familiarity with the subject matter at issue in the proceeding.” § 42.10(c). The facts, supported by the attached Declaration of Henry C. Thomas in Support of Motion for Admission *Pro Hac Vice* (“Declaration”) (Exhibit 1035), here establish good cause for the Board to recognize Henry C. Thomas *pro hac vice* during this proceeding.

1. Lead counsel, Michael G. Babbitt, is a registered practitioner.
2. Counsel, Henry C. Thomas, is a litigator with substantial experience in patent litigation. Mr. Thomas has been practicing in the field of intellectual

property law, and particularly, patent litigation, for about five years. Declaration, ¶

1. He has litigated in private practice for about seven years. *Id.* Mr. Thomas has been counsel in about four patent infringement cases and has represented clients in numerous United States District Courts. *Id.* at ¶ 3. Mr. Thomas is a member of the Intellectual Property Practice Group at Willkie, Farr & Gallagher, LLP. *Id.*

3. Mr. Thomas is a member in good standing of the Bar of the State of Illinois. *Id.* at ¶ 2. In the past three (3) years, he has appeared *pro hac vice* in three proceedings before the United States Patent and Trademark Office: IPR2020-01556; IPR2020-01557; and IPR2022-00599. *Id.* at ¶ 7. In the past three (3) years, he has not applied to appear *pro hac vice* in any other proceedings before the United States Patent and Trademark Office. *Id.* at ¶ 7.

4. Mr. Thomas is familiar with the subject matter at issue in this proceeding, including the patent, its prosecution history, and the identified references. *Id.* at ¶ 8. He represents Provisur in the following case, which is related to and involves the same patent at issue in this proceeding: *Provisur Technologies, Inc. v. Weber, Inc. et al.*, No. 5:21-cv-06113 (W.D. Mo.) (filed September 9, 2021). *Id.*

5. Mr. Thomas has never been suspended, disbarred, sanctioned, or cited for contempt by any court or administrative body, nor has any court or administrative body deny his application for admission to practice. *Id.* at ¶ 4. He has read and

will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R. *Id.* at ¶ 5. He agrees to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶ 6.

III. CONCLUSION

For the foregoing reasons, Provisur respectfully requests that the Board admit Henry C. Thomas *pro hac vice* in this proceeding.

Dated: August 23, 2024

/s/ Michael G. Babbitt

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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2024, I caused a true and correct copy of the foregoing materials:

- PROVISUR'S UNOPPOSED MOTION FOR *PRO HAC VICE* OF HENRY C. THOMAS.;

to be served via electronic mail to the Patent Owner's Attorney of Record:

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Dated: August 23, 2024

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