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Paper 9
Entered: May 13, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLUIDMASTER, INC.,
Petitioner,

v.

DANCO, INC.,
Patent Owner.

IPR2024-00633 (Patent 9,139,993 B1)
IPR2024-00634 (Patent 9,103,105 B1)
IPR2024-00635 (Patent 10,934,698 B1)[1]

Before MEREDITH C. PETRAVICK, JAMES A. TARTAL, and ROBERT J. SILVERMAN, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Ranjini Acharya
37 C.F.R. § 42.10

[1] The combined caption is for administrative convenience only and does not indicate that IPR2024-00633, IPR2024-00634, and IPR2024-00635 have been joined. The parties are not authorized to use this caption without express Board permission.

On April 1, 2024, Petitioner filed motions requesting *pro hac vice* admission of Ranjini Acharya in each of the above-identified proceedings (collectively "Motions"). Paper 6.[2] Petitioner also submitted declarations from Ranjini Acharya in support of the Motions (collectively "Declarations"). Ex. 1033.[3] Patent Owner has not opposed the Motions.

For the reasons provided below, Petitioner's Motions are *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,[4] we conclude that Ms. Acharya has sufficient legal and

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[2] For purposes of expediency, we cite to Papers filed in IPR2024-00633. Petitioner filed similar Motions in IPR2024-00634 (Paper 7) and IPR2024-00635 (Paper 6).

[3] We cite to Exhibits filed in IPR2024-00633. Petitioner filed similar Declarations in IPR2024-00634 (Ex. 1033) and IPR2024-00635 (Ex. 1033).

[4] *Unified Patents* indicates that "A motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years." *See Unified Patents*, Paper 7 at 3. The Declarations of Ms. Acharya do not identify any other proceedings before the Office for which Ms. Acharya has applied to appear *pro hac vice*. *See* Ex. 1033. For the

technical qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1033. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Acharya. Ms. Acharya will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner has filed a Power of Attorney including Ms. Acharya in accordance with 37 C.F.R. § 42.10(b). IPR2024-00633, Paper 2; IPR2024-00634, Paper 2; and IPR2024-00635, Paper 2. Petitioner has also filed Mandatory Notices identifying Ms. Acharya as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2024-00633, Paper 7; IPR2024-00634, Paper 8; and IPR2024-00635, Paper 7.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Ranjini Acharya are *granted*;

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

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

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purposes of this Order, we deem this harmless error, and treat the omission as a representation that Ms. Acharya has not applied to appear *pro hac vice* in any other proceedings before the Office (aside from IPR2024-00633, IPR2024-00634, and IPR2024-00635) in the last three years.

FURTHER ORDERED that Ms. Acharya be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[5] (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 Ms. Acharya 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.*

[5] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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