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Paper 42
Entered: July 21, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNDER ARMOUR, INC.,
Petitioner,

v.

ATHALONZ, LLC,
Patent Owner.

IPR2024-00636 (Patent 10,674,786 B2)
IPR2024-00637 (Patent 11,013,291 B2)
IPR2024-00638 (Patent 11,064,760 B2)
IPR2024-00639 (Patent 11,375,768 B2)
IPR2024-00640 (Patent 11,510,456 B2)[1]

Before HYUN J. JUNG, CARL M. DEFRANCO, and MATTHEW S. MEYERS, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Petitioner's Motions for
Admission *Pro Hac Vice* of Eric T. Harmon
37 C.F.R. § 42.10

[1] This Order is entered in all five cases. The parties may not use this heading style for any subsequent papers.

On June 12, 2025, Petitioner filed Motions requesting Admission *Pro Hac Vice* of Eric T. Harmon in the above-identified proceedings. Paper 34.[2] Petitioner submitted Declarations from Mr. Harmon in support of the Motions. Ex. 1037. Petitioner attests that Patent Owner does not oppose the Motions. Paper 34, 1. During a pre-hearing conference between the parties and the panel, Patent Owner also did not object to provisionally admitting Mr. Harmon so that he could argue for Petitioner at oral argument on June 17, 2025.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Harmon has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Harmon has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Harmon meets all other requirements for admission *pro hac vice*. *See* Ex 1037 ¶¶ 1–14. Accordingly, Petitioner has established good cause for admission *pro hac vice* of Mr. Harmon. Mr. Harmon

[2] For expediency, we cite to papers in IPR2024-00636. Similar papers were filed in IPR2024-00637, IPR2024-00638, IPR2024-00639, and IPR2024-00640.

will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Petitioner has submitted Powers of Attorney for Mr. Harmon in accordance with 37 C.F.R § 42.10(b). Paper 28. Petitioner has also submitted Mandatory Notices, identifying Mr. Harmon as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 27.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions (Paper 34) for admission *pro hac vice* of Eric T. Harmon in each of the above-identified proceedings are *granted*;

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

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

FURTHER ORDERED that Mr. Harmon be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide[3] (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. Harmon 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.*

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

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