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Paper 13
Entered: October 2, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMAXTEC INC. and
SMAXTEC ANIMAL CARE GMBH,
Petitioner,

v.

ST REPRODUCTIVE TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-00875 (Patent 9,844,206 B2)
IPR2024-00885 (Patent 8,823,515 B2)[1]

Before SHARON FENICK, JAMIE T. WISZ, and
ANDREAS BALTATZIS, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Jonathan M. Hernandez
37 C.F.R. § 42.10(c)

[1] This Order addresses substantively identical motions filed in each of the above-captioned proceedings. We exercise our discretion to issue one Order to cover all proceedings. The parties are not authorized to use this style heading in any subsequent papers.

Patent Owner filed Motions for *Pro Hac Vice* Admission of Jonathan M. Hernandez (Paper 10)[2] in each of the above-captioned proceedings. Patent Owner submitted Declarations of Jonathan M. Hernandez (Ex. 2004) in support of each Motion. Patent Owner states that Petitioner does not oppose the Motions. Paper 10, 2. For the reasons provided below, Patent Owner's Motions are *conditionally 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, Paper 7 (PTAB Oct. 15, 2013) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission").

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Hernandez has sufficient legal and technical qualifications to represent Patent Owner 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. 2004 ¶¶ 2–7, 9. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Hernandez. Mr.

[2] This Order cites to papers and exhibits filed in IPR2024-00875. Corresponding items were filed in IPR2024-00885.

Hernandez will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We *conditionally grant* the Motions because Patent Owner did not file Powers of Attorney including Mr. Hernandez in accordance with 37 C.F.R. § 42.10(b). Patent Owner has also not filed Mandatory Notices identifying Mr. Hernandez as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Accordingly, it is

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Jonathan M. Hernandez, in the above-captioned proceedings, are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit Powers of Attorney for Mr. Hernandez in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Mr. Hernandez as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Hernandez is authorized to act as back-up counsel only in these proceedings;

FURTHER ORDERED that Mr. Hernandez be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))[3] and comply with the Board's Rules of

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

Practice for Trials as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Hernandez 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.*

PETITIONER:

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