

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCEND ELEMENTS, INC.,
Petitioner,

v.

DUESENFELD GMBH,
Petitioner.

IPR2024-00948
Patent 11,050,097 B2

Before MEREDITH C. PETRAVICK, CHRISTOPHER M. KAISER, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

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

On March 19, 2025, Petitioner filed a motion (Paper 23, “Motion”) requesting *pro hac vice* admission of Darlena Subashi. Petitioner filed a declaration (Ex. 1022, “Declaration”) from Ms. Subashi in support of the Motion. Petitioner states Patent Owner was apprised and does not oppose. Motion 1.

In accordance with 37 C.F.R. § 42.10(c)(1), 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*, 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 Motion and the accompanying Declaration, we conclude that Ms. Subashi has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Ms. Subashi has demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and that Ms. Subashi meets all other requirements for admission *pro hac vice*. *See* Declaration ¶¶ 1–9. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Subashi.

Petitioner has not filed a Power of Attorney identifying Ms. Subashi. *See* Paper 2 (omitting Ms. Subashi). In view thereof, Petitioner’s Motion is *conditionally granted*, and is to be effective after Petitioner files the aforementioned Power of Attorney.

Petitioner has not filed a Mandatory Notice identifying Ms. Subashi as back-up counsel. *See* Paper 1, 70 (omitting Ms. Subashi). Therefore, Petitioner

must file an updated mandatory notice identifying Ms. Subashi as a back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion for *pro hac vice* admission of Darlena Subashi is *conditionally granted* effective upon submitting a Power of Attorney for Ms. Subashi in accordance with 37 C.F.R. § 42.10(b) and within ten (10) business days of the date of this order;

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Ms. Subashi as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but Ms. Subashi is authorized to act as back-up counsel;

FURTHER ORDERED that Ms. Subashi be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (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. Subashi 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.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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