

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCEND ELEMENTS, INC.,
Petitioner,
v.

DUESENFELD GMBH,
Patent Owner

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
Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Elvira Belle Borovik
37 C.F.R. § 42.10

On August 4, 2025, Patent Owner filed a motion requesting *pro hac vice* admission of Elvira Belle Borovik. Paper 47 (“Motion”). Patent Owner also submitted a Declaration from Ms. Borovik in support of the Motion. Ex. 2062 (“Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Motion 1.

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, 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 Motion and the accompanying Declaration, we conclude that Ms. Borovik has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, has demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Declaration ¶¶ 1–10. Accordingly, Patent Owner has established good cause for *pro hac vice* admission. Ms. Borovik will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

Upon review of the record before us, we note that Patent Owner has not submitted a Power of Attorney identifying Ms. Borovik. In view thereof, Patent Owner’s Motion is *conditionally granted* and is to be effective after

Patent Owner submits such a Power of Attorney in accordance with 37 C.F.R. § 42.10(b).

We also note that Patent Owner has not submitted updated mandatory notices identifying Ms. Borovik as a back-up attorney. Therefore, Patent Owner must submit such an updated mandatory notice in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Elvira Belle Borovik is *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a Power of Attorney for Ms. Borovik in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Ms. Borovik 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 for the instant proceeding, but that Ms. Borovik is authorized to act as back-up counsel;

FURTHER ORDERED that Ms. Borovik 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;² and

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

² In the Declaration, Ms. Borovik cites the Board's Rules of Practice for Trials as "set forth in part 42 of Title 37," as opposed to Part 42 of Title 37, Code of Federal Regulations. Declaration ¶ 7. We excuse this mistake on this occasion, noting that Ms. Borovik shall comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations.

FURTHER ORDERED that Ms. Borovik 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

³ In the Declaration, Ms. Borovik indicates she “will be subject to the Office's . . . disciplinary jurisdiction under 37 C.F.R. § 11.19(a),” as opposed to attesting that she shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a). Declaration ¶ 8. We excuse this mistake on this occasion, noting that Ms. Borovik will be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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