

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANADIAN SOLAR INC.,
Petitioner,

v.

MAXEON SOLAR PTE. LTD.,
Patent Owner.

IPR2024-01038¹
Patent 11,251,315 B2

Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and
AVELYN M. ROSS, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Leif E. Peterson, II
37 C.F.R. § 42.10

¹ IPR2024-01194 has been consolidated with the instant proceeding.

On June 5, 2025, Petitioner filed a motion requesting *pro hac vice* admission of Leif E. Peterson, II. Paper 39 (“Motion” or “Mot.”). Petitioner also submitted a Declaration from Mr. Peterson in support of the Motion. Ex. 1086 (“Declaration”). Petitioner attests that Patent Owner does not oppose the Motion. Mot. 1. For the reasons provided below, Petitioner’s Motion is *granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), 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* 37 C.F.R. § 42.10(c)(1); *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 Mr. Peterson has sufficient qualifications to represent Petitioner 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* Ex. 1086.²

² In paragraph 7 of the Declaration, Mr. Peterson indicates that he has “previously applied for and been granted *pro hac vice* admission before the Board in *Apple Inc. v. MemoryWeb, LLC*, IPR2022-00031; *Merck Sharp & Dohme LLC v. Halozyme Inc.*, Case Nos. PGR2025-00003, PGR2025-00004, PGR2025-00006, PGR2025-00009, and PGR2025-00017.” In light of his representation that he has never been denied an application for admission to practice before an administrative body (Ex. 2086 ¶ 3), we will

Accordingly, Petitioner establishes good cause for *pro hac vice* admission of Mr. Peterson. Mr. Peterson will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Petitioner filed a Power of Attorney including Mr. Peterson in accordance with 37 C.F.R. § 42.10(b). Paper 2. Petitioner has not filed updated Mandatory Notices identifying Mr. Peterson as back-up counsel. Therefore, Petitioner must file an updated Mandatory Notice identifying Mr. Peterson as 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 (Paper 39) for *pro hac vice* admission of Leif E. Peterson, II is *granted*;

FURTHER ORDERED that Petitioner must file an updated Mandatory Notice identifying Mr. Peterson as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in this proceeding;

FURTHER ORDERED that Mr. Peterson is authorized to represent Petitioner as back-up counsel only in this proceeding;

accept Mr. Peterson's declaration as representing that IPR2022-00031; PGR2025-00003, PGR2025-00004, PGR2025-00006, PGR2025-00009, and PGR2025-00017 are the only instances in which he has applied for *pro hac vice* admission before the Office in the three-year period before the Motion was filed. *Unified Patents*, Paper 7 at 3 (at 2.b.vii). If our understanding is incorrect, however, Petitioner and Mr. Peterson shall notify us promptly, identifying all of the proceedings before the Office in which Mr. Peterson filed an application for *pro hac vice* admission during that three-year period.

FURTHER ORDERED that Mr. Peterson be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide³ (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 Mr. Peterson 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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