

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOE TECHNOLOGY GROUP CO., LTD.,
Petitioner,

v.

OPTRONIC SCIENCES LLC,
Patent Owner.

IPR2024-01131 (Patent 7,226,801 B2)
IPR2024-01132 (Patent 7,586,121 B2)
IPR2024-01315 (Patent 8,158,477 B2)¹

Before THU A. DANG, BENJAMIN D. M. WOOD, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Zachary Loney
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 caption without express permission of the Board.

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Petitioner filed Motions for *pro hac vice* admission of Zachary Loney (Paper 23²) in each of the above-captioned proceedings. Petitioner submitted Declarations of Zachary Loney (Ex. 1023) in support of each Motion. Petitioner states that Patent Owner does not oppose the Motions. Paper 23, 3. For the reasons provided below, Petitioner's Motions are *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. Loney has sufficient legal and technical qualifications to represent Petitioner 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*

² This Order cites to papers filed in IPR2024-01131. Corresponding items were filed in IPR2024-01132 and IPR2024-01315.

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vice. See Declaration ¶¶ 1–8.³ Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Loney. Mr. Loney will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Petitioner has filed Powers of Attorney including Mr. Loney in accordance with 37 C.F.R. § 42.10(b). Paper 2. For IPR2024-01131 and IPR2024-01315, Petitioner has also filed Mandatory Notices identifying Mr. Loney as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 88. For IPR2024-01132, Petitioner has not filed Mandatory Notices identifying Mr. Loney as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Accordingly, it is

ORDERED that Petitioner’s Motions for *pro hac vice* admission of Zachary Loney are *granted*;

FURTHER ORDERED that for IPR2024-01132, Petitioner must file updated mandatory notices identifying Mr. Loney 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 in these proceedings;

³ The Declarations refer to “Code of Professional Conduct” and should refer to the “Rules of Professional Conduct.” Further, the Declarations should have listed IPR2023-01414 as a proceeding before the Office for which Mr. Loney has applied to appear *pro hac vice* in the last three years. We excuse these mistakes in these instances.

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

FURTHER ORDERED that Mr. Loney be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))⁴ 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. Loney 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.*

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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