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Paper 7
Date: November 20, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LEDUP MANUFACTURING GROUP LTD.,
Petitioner,

v.

SEASONAL SPECIALTIES, LLC,
Patent Owner.

IPR2024-01258 (Patent 11,096,252 B2)
IPR2024-01259 (Patent 11,533,794 B2)[1]

Before KRISTEN L. DROESCH, MICHELLE N. WORMMEESTER, and ANDREW L. NALVEN, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Conditionally Granting Patent Owner's Motion for
Admission *Pro Hac Vice* of Courtland C. Merrill
37 C.F.R. § 42.10

[1] This Order addresses issues common to each of these proceedings and we use this caption for efficiency. The parties may not use this style heading in any subsequent papers without authorization.

On November 6, 2024, Patent Owner filed a motion for admission *pro hac vice* of Courtland C. Merrill in these proceedings. Paper 6 ("Mot." or "Motion").[2] The Motion relies on a Declaration from Mr. Merrill. Ex. 2001. We note that Powers of Attorney and Mandatory Notices identifying Mr. Merrill have *not* been filed. In view of this, and for the reasons set forth below, Patent Owner's Motion in each proceeding is *conditionally granted*, and will be effective after Patent Owner files an updated Power of Attorney including Mr. Merrill.

As set forth in 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB 2013) (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. Merrill has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that he has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that, effectively, he meets all other

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[2] We refer to papers and exhibits filed in IPR2024-01258. Similar documents were filed in IPR2024-01259.

requirements for admission *pro hac vice*.[3] Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Merrill, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c).

ORDER

It is:

ORDERED that Patent Owner's motion for *pro hac vice* admission of Courtland C. Merrill is *conditionally granted*, provided that Patent Owner files, within ten (10) business days of the date of this order, a Power of Attorney for Mr. Merrill in accordance with 37 C.F.R. § 42.10(b) in each proceeding;

FURTHER ORDERED that Patent Owner shall file an updated mandatory notice in each proceeding, according to 37 C.F.R. § 42.8(b)(3), providing updated information regarding back-up counsel;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in each proceeding;

FURTHER ORDERED that Mr. Merrill is authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Mr. Merrill is to be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 2019), *available at* https://www.uspto.gov/TrialPracticeGuideConsolidated, and must comply

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[3] We note the Motion contends Mr. Merrill "has not applied to appear *pro hac vice* in any proceedings before the Office in the last three (3) years." Mot. § III(10). This conflicts with the Declaration, so we rely instead on the specifics provided in the Declaration.

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 Mr. Merrill is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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