

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PENUMBRA, INC.,
Petitioner,

v.

RAPIDPULSE, INC.,
Patent Owner.

IPR2024-01261
Patent 11,406,402 B2

Before JOHN G. NEW, DAVID COTTA, and JAMIE T. WISZ,
Administrative Patent Judges.

WISZ, *Administrative Patent Judge.*

ORDER

Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Qiushi (William) Yao
37 C.F.R. § 42.10

On September 25, 2025, Patent Owner filed a motion requesting *pro hac vice* admission of Qiushi (William) Yao. Paper 26 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Mr. Yao in support of the Motion. Ex. 2036 (“Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Paper 26, 1. For the reasons provided below, Patent Owner’s Motion is *conditionally 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,¹ we conclude that Mr. Yao has sufficient qualifications to

¹ *Unified Patents* indicates that “[a] motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years.” *See Unified Patents*, Paper 7 at 3. The Declaration of Mr. Yao fails to identify any other proceedings before the Office for which Mr. Yao has applied to appear *pro hac vice*. *See* Ex. 2036. We excuse this omission on this occasion, and treat the omission as a representation that Mr. Yao has not applied to appear *pro hac vice* in any proceedings before the Office in the last three years. If this is incorrect, Mr. Yao shall notify us promptly.

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 Ex. 2036. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Yao. Mr. Yao will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c)(1).

We note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Yao. Therefore, Patent Owner's Motion is *conditionally granted*, to be effective after Patent Owner files the aforementioned Power of Attorney.

Patent Owner has not filed updated Mandatory Notices identifying Mr. Yao as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Mr. Yao 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 Patent Owner's Motion for *pro hac vice* admission of Qiushi (William) Yao is *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit a Power of Attorney for Mr. Yao in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated Mandatory Notices identifying Mr. Yao as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Yao is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Yao be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (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. Yao 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.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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