

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
Petitioner,

v.

IARNACH TECHNOLOGIES, INC.,
Patent Owner.

IPR2024-01286
Patent 8,942,378 B2

Before KARA L. SZPONDOWSKI, JOHN R. KENNY, and
RUSSELL E. CASS, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Eric J. Enger
37 C.F.R. § 42.10

On August 30, 2024, Patent Owner filed a motion requesting *pro hac vice* admission of Eric J. Enger. Paper 7 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Eric J. Enger in support of the Motion. Ex. 2001 (“Declaration”). Petitioner has not opposed the Motion. For the reasons provided below, Patent Owner’s Motion is *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 (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 Patent Owner has established good cause for *pro hac vice* admission of Mr. Enger. Mr. Enger will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Mr. Enger in accordance with 37 C.F.R. § 42.10(b). Paper 6. Patent Owner has filed a Mandatory Notice identifying Mr. Enger as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 5.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Motion (Paper 7) for *pro hac vice* admission of Eric J. Enger is *granted*;

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. Enger is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Enger be familiar with the Patent Trial and Appeal Board 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; and

FURTHER ORDERED that Mr. Enger 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.*

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

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