

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
Petitioner,

v.

IARNACH TECHNOLOGIES LTD.,
Patent Owner.

IPR2024-01286 (Patent 8,942,378 B2)
IPR2024-01287 (Patent 9,287,982 B2)

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

PER CURIAM

ORDER¹
Granting Petitioner's Motions for
Pro Hac Vice Admission of Thomas L. Duston
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that IPR2024-01286 and IPR2024-01287 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On September 20, 2024, Petitioner filed motions requesting *pro hac vice* admission of Thomas L. Duston in each of the above-identified proceedings (collectively “Motions”). Paper 8.² Petitioner also submitted Declarations from Thomas L. Duston in support of the Motions (collectively “Declarations”). Ex. 1012.³ Patent Owner has not opposed the Motions.

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 (PTAB Oct. 15, 2013) (Paper 7) (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 Petitioner has established good cause for *pro hac vice* admission of Mr. Duston. Mr. Duston will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Mr. Duston in accordance with 37 C.F.R. § 42.10(b). IPR2024-01286, Paper 2; IPR2024-01287, Paper 2. Petitioner has also filed Mandatory Notices

² For purposes of expediency, we cite to Papers filed in IPR2024-01286. Petitioner filed a similar Motion in IPR2024-01287 (Paper 8).

³ We cite to Exhibits filed in IPR2024-01286. Petitioner filed a similar Declaration in IPR2024-01287 (Ex. 1010).

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identifying Mr. Duston as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2024-01286, Paper 1, 2; IPR2024-01287, Paper 1, 3.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Thomas L. Duston are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Duston is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Duston be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴ (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;⁵ and

FURTHER ORDERED that Mr. Duston 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.*⁶

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

⁵ In the Declaration, Mr. Duston indicates compliance with the Board's Rules of Practice for Trials *set forth in part 42 of the Code of Federal Regulations* (as opposed to *part 42 of 37 C.F.R.*). See Ex. 1012. We excuse this error.

⁶ In the Declaration, Mr. Duston indicates he will be subject to the *USPTO Code of Professional Responsibility* (as opposed to the *USPTO Rules of Professional Conduct* set forth in 37 C.F.R. §§ 11.101 *et seq.*). See Ex. 1012. We excuse this error.

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