

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOME DEPOT U.S.A, INC.,
Petitioner,

v.

SECURITY TECHNOLOGY, LLC,
Patent Owner.

IPR2024-01420
Patent 11,562,402 B2

Before ST. JOHN COURTENAY III, MICHAEL R. ZECHER, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Tessa Duxbury
37 C.F.R. § 42.10(c)

On August 15, 2025, Petitioner filed a motion requesting *pro hac vice* admission of Tessa Duxbury. Paper 27 (“Motion” or “Mot.”). Petitioner also submitted a Declaration from Tessa Duxbury in support of the Motion. Ex. 1016 (“Declaration” or “Decl.”). Petitioner represents that Patent Owner does not oppose the Motion. Mot. 3. For the reasons provided below, Petitioner’s Motion is *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, we conclude that Ms. Duxbury has sufficient qualifications to represent Petitioner 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* Decl. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Duxbury. Ms. Duxbury will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Petitioner filed a Power of Attorney including Ms. Duxbury in accordance with 37 C.F.R. § 42.10(b). Paper 28. Petitioner also

filed a Mandatory Notice identifying Ms. Duxbury as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 29.

In consideration of the foregoing, it is hereby
ORDERED that Petitioner's Motion (Paper 27) for *pro hac vice* admission of Tessa Duxbury is *granted*;

FURTHER ORDERED that Petitioner must continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Ms. Duxbury is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Duxbury 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 Ms. Duxbury 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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