

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIRST QUALITY RETAIL SERVICES, LLC,
FIRST QUALITY CONSUMER PRODUCTS, LLC,
FIRST QUALITY PRODUCTS, LLC, and
FIRST QUALITY ENTERPRISES, LLC,
Petitioner,

v.

ESSITY HYGIENE and HEALTH AB,
Patent Owner.

IPR2024-01487
Patent 9,308,138 B2

Before JAMES A. TARTAL, KRISTINA M. KALAN, and
RYAN H. FLAX, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Sharon K. Gagliardi and Daniel R. Roberts
37 C.F.R. § 42.10

On January 22, 2026, Patent Owner filed motions requesting *pro hac vice* admission of Sharon K. Gagliardi (Paper 26) and Daniel R. Roberts (Paper 27) (collectively “the Motions”). The Motions are supported by the declarations of Ms. Gagliardi (Ex. 2011) and Mr. Roberts (Ex. 2012) (collectively “the Declarations”). Patent Owner indicates that Petitioner does not oppose the Motions. *See* Paper 26, 1; Paper 27, 1.

We grant the Motions. We also require Patent Owner to file corrected declarations as described below.

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, Paper 7 (PTAB Oct. 15, 2013) (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 Ms. Gagliardi and Mr. Roberts have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Ms. Gagliardi and Mr. Roberts have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Ms. Gagliardi and Mr. Roberts otherwise appear to meet requirements for admission *pro hac vice*. *See* Ex. 2011 ¶¶ 1–9; Ex. 2012 ¶¶ 1–9. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Gagliardi and Mr. Roberts. Ms. Gagliardi

and Mr. Roberts 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 Ms. Gagliardi and Mr. Roberts in accordance with 37 C.F.R. § 42.10(b). Paper 5. Patent Owner has also submitted a Mandatory Notice identifying Ms. Gagliardi and Mr. Roberts as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 4.

In the Declarations, Ms. Gagliardi and Mr. Roberts do not identify “[a]ll other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years” as required by *Unified Patents*. *See Unified Patents* at 3. If an attorney has not previously appeared before the PTAB, that fact must be affirmatively stated in the declaration. Accordingly, we grant the Motions; however, Patent Owner must file corrected declarations within ten (10) business days of the date of this order.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Sharon K. Gagliardi (Paper 26) and Daniel R. Roberts (Paper 27) are *granted*, and

FURTHER ORDERED that within ten (10) business days of the date of this order, Patent Owner must submit corrected declarations for Ms. Gagliardi and Mr. Roberts that identify “[a]ll other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years” or an affirmative statement that the attorney has not previously appeared before the PTAB;

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner represent Patent Owner as lead counsel;

FURTHER ORDERED that Ms. Gagliardi and Mr. Roberts will be authorized to represent Patent Owner as back-up counsel only;

FURTHER ORDERED that Ms. Gagliardi and Mr. Roberts shall be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and 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. Gagliardi and Mr. Roberts are 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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FOR PETITIONER:

Alexis Cohen
Amy Mahan
WILMER CUTLER PICKERING HALE AND DORR LLP
alexis.cohen@wilmerhale.com
amy.mahan@wilmerhale.com

FOR PATENT OWNER:

Kevin Flannery
DECHERT LLP
kevin.flannery@dechert.com