

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BABYBJÖRN AB,
Petitioner,

v.

THE ERGO BABY CARRIER, INC.,
Patent Owner.

IPR2025-00110 (Patent 11,786,055 B2)
IPR2025-00111 (Patent 11,786,055 B2)¹

Before FRANCES L. IPPOLITO, KEVIN W. CHERRY, and
ERIC C. JESCHKE, *Administrative Patent Judges*.

JESCHKE, *Administrative Patent Judge*.

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

¹ This Order addresses issues that are the same in each of the above-listed proceedings. We issue one Order to be filed in each proceeding. The parties are not authorized to use this heading style in any subsequent papers.

Petitioner BabyBjörn AB filed a Motion for *pro hac vice* admission of Elliot Hales as counsel for Petitioner in each of the above-identified proceedings. Paper 3 (collectively “Motions”).² The Motion in each case is supported by a Declaration of Mr. Hales. Paper 4 (collectively “Declarations”).³

Having reviewed the Motions and Mr. Hales’s Declarations, we conclude that Mr. Hales meets the requirements for admission *pro hac vice* and that Petitioner has shown good cause for Mr. Hales’s *pro hac vice* admission.⁴ See 37 C.F.R. § 42.10(c); *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for *pro hac vice* admission).⁵ Petitioner filed a Power of

² For expediency, we refer to Paper numbers filed in IPR2025-00110. Similar Papers were filed in IPR2025-00111.

³ The Declarations were not filed as an exhibit but were filed as a paper. Petitioner is reminded that affidavits and declarations must be filed as exhibits. See 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

⁴ We note that in the Declarations, Mr. Hales declares that he has read and will comply with Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in “part 42 of the C.F.R.” rather than “Part 42 of 37 C.F.R.” Paper 4 ¶ 8. We deem this discrepancy as harmless error because Mr. Hales declares that he agrees to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et. seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a) in the following paragraph of the Declarations. *Id.* ¶ 9.

⁵ The requirements include “filing *pro hac vice* motions . . . no sooner than twenty[-]one (21) days after service of the petition, which is the time for filing patent owner mandatory notices.” *Unified Patents*, Paper 7 at 2–3. Here, Petitioner filed the Motions sooner than twenty-one days after service of the Petitions, and before filing of Patent Owner Mandatory Notices. The

Attorney including Mr. Hales. Paper 2. Petitioner has also filed Mandatory Notices identifying Mr. Hales as back-up counsel. Paper 1 at 2–4. Mr. Hales will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only.

ORDER

Accordingly, it is

ORDERED that the Motions are *granted* and Elliot Hales is authorized to represent Petitioner as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in these proceedings, but that Mr. Hales is authorized to act as back-up counsel in these proceedings;

FURTHER ORDERED that Mr. Hales is to comply with the Consolidated Trial Practice Guide⁶ (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

Motions’s certificates of service (Paper 1 at 111) indicate, however, that Petitioner served the Motions to the Patent Owner’s “corresponding address of record on USPTO Patent Center,” i.e., presumably on the same counsel later identified in Patent Owner’s Mandatory Notices (Paper 5), and sufficient time has elapsed since the Motions were filed to allow Patent Owner the opportunity to respond. We therefore deem the timing of the Motions to be harmless error.

⁶ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FURTHER ORDERED that Mr. Hales is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101 *et seq.*

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