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Subject: IPR2025-00096, -00112 to -00116 pro hac vice motions
Date: Tuesday, February 24, 2026 3:54:14 PM
Attachments: [image001.png](#)

Counsel,

Petitioner's notices of intent to designate Nimalka Wickramasekera as a provisionally recognized PTAB attorney (IPR2025-00096, Paper 39; IPR2025-00112, Paper 37; IPR2025-00113, Paper 37; IPR2025-00114, Paper 40; IPR2025-00115, Paper 39; and IPR2025-00116, Paper 39) ("Notices") were received. However, the Notices and the declarations of Ms. Wickramasekera (Ex. 1051 in each proceeding) ("Certifications") are improper.

The following deficiencies are identified:

1. The Notices do not identify the most recent prior proceeding in which Ms. Wickramasekera was recognized *pro hac vice* by order of the Patent Trial and Appeal Board.
2. Although Ms. Wickramasekera attests in the Certifications to satisfying all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney, the Certifications do not satisfy all of the requirements set forth by the Board. The requirements are set forth below.
3. The Certifications are not in the form of a properly executed declaration or affidavit (*see* 37 C.F.R. § 42.2; *see also id.* § 1.68 ("The declarant must set forth in the body of the declaration that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true."))

Because the Notices and Certifications are improper, they will be expunged. 37 C.F.R. § 42.20(b).

To cure the identified defects, Petitioner should:

1. File a new Notice in each proceeding, identifying the most recent prior proceeding in which Ms. Wickramasekera was recognized *pro hac vice* by order of the Patent Trial and Appeal Board; and
2. File a new Certification in each proceeding, which is properly executed and in which Ms. Wickramasekera attests to satisfying all of the requirements set forth in the Notice of Filing Date Accorded (NFDA) or the Board's authorizing email, and reproduced below:

A notice of intent to designate a provisionally recognized PTAB attorney as back-up counsel filed pursuant to 37 C.F.R. § 42.10(c)(2) must:

(a) Identify the registered practitioner who will serve as lead counsel;

(b) Identify the most recent prior proceeding in which the person seeking to appear was recognized pro hac vice by order of the Patent Trial and Appeal Board pursuant to a motion of the type described in 37 C.F.R. § 42.10(c)(1); and

(c) Be accompanied by Certification in the form of an affidavit or declaration in which the individual seeking pro hac vice recognition attests to the following:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;*
- ii. No suspensions or disbarments from practice before any court or administrative body;*
- iii. No application for admission to practice before any court or administrative body ever denied;*
- iv. No sanctions or contempt citations ever imposed by any court or administrative body;*
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 CFR part 42;*
- vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 CFR 11.101 et seq. and disciplinary jurisdiction under 37 CFR 11.19(a);*
- vii. All other proceedings before the Office for which the individual has applied to appear pro hac vice in the last three years; and*
- viii. Familiarity with the subject matter at issue in the proceeding.*

Regards,

Andrew Kellogg,

Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO

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