

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SKECHERS U.S.A., INC.,
Petitioner,

v.

NIKE, INC.,
Patent Owner.

IPR2025-00143
Patent 9,986,781 B2

Before KEN B. BARRETT, MICHAEL J. FITZPATRICK, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Jonathan Swisher
37 C.F.R. § 42.10

On April 8, 2025, Patent Owner filed a motion requesting *pro hac vice* admission of Jonathan Swisher. Paper 11 (“Mot.”). Patent Owner also submitted a Declaration from Jonathan Swisher in support of the Motion. Ex. 2003. Patent Owner represents that Petitioner does not oppose the Motion. Mot. 1.

For the reasons provided below, Patent Owner’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. *See also 37 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 Mr. Swisher has sufficient qualifications to represent Patent Owner 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* Ex. 2003. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Swisher. Mr. Swisher will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

Patent Owner filed a Power of Attorney including Mr. Swisher in accordance with 37 C.F.R. § 42.10(b). Paper 4. Patent Owner has also filed a Mandatory Notice identifying Mr. Swisher as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 3.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Jonathan Swisher is *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Swisher is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Swisher 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 Mr. Swisher 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>.

IPR2025-00143
Patent 9,986,781 B2

FOR PETITIONER:

Samuel Lu
Keith Orso
Jonathan Lindsay
Jie Gao
slu@irell.com
korso@irell.com
jlindsay@irell.com
jgao@irell.com

FOR PATENT OWNER:

Michael Harris
Aaron Bowling
Michael Sebba
michael.harris@arnoldporter.com
aaron.bowling@arnoldporter.com
michael.sebba@arnoldporter.com