

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FULL-METAL-POWER B.V.,
Petitioner,

v.

INFOCUS DOWNHOLE SOLUTIONS USA LLC,
Patent Owner.

Case IPR2025-00391
Patent No. 10,676,992

**PATENT OWNER INFOCUS DOWNHOLE SOLUTIONS USA LLC'S
MOTION FOR PRO HAC VICE ADMISSION OF
ARCHIBALD DELEON CRUZ UNDER 37 C.F.R. § 42.10(c)**

EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 10,676,992 (the '992 Patent)
1002	Amendment After Non-Final Rejection dated December 1, 2019, in Prosecution History of the '992 Patent ("ROA")
1003	Notice of Allowance, in Prosecution History of the '992 Patent ("NOA")
1004	CA2961629 – “the ‘629 priority application”
1005	Chinese Patent Publication Number CN102501016A – Translated (“Zhilong”)
1006	Yang, F., Ren, T., Wang, H., Liu, B., & Chen, M. (2016). Analysis of Flow Field for Electrochemical Machining Metal Screw Pump Stator. <i>The International Journal of Advanced Manufacturing Technology</i> . https://doi.org/10.1007/s00170-016-9187-y ("Yang")
1007	U.S. Patent Application Publication No. 2010/0006342 (“Froehlich”)
1008	U.S. Patent Application Publication No. 2016/0168912 (“Mitchell”)
1009	U.S. Patent No. 9,976,227 (“Wangenheim”)
1010	Chinese Patent Publication nNumber CN201 I 21583Y - Translated (" Jinqi")
1011	Chinese Patent Publication Number CN102139440A – Translated (“Jinglong”)
1012	Chinese Patent Publication Number CN102051016A – Untranslated
1013	Chinese Patent Publication Number CN201121583Y – Untranslated
1014	Chinese Patent Publication Number CN102139440A – Untranslated
1015	Affidavit for Translations of CN102501016A and CN102139440A
1016	Affidavit for Translation of CN201121583Y
2001	Declaration of Archibald Cruz in Support of Motion for Pro Hac Vice Admission

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the authorization granted by the Board in Paper Number 5, dated January 30, 2025 (the “Notice”), Patent Owner InFocus Downhole Solutions USA LLC (“Patent Owner”) respectfully requests that the Board admit Archibald Deleon Cruz of Patterson + Sheridan, L.L.P. to appear *pro hac vice* in this proceeding as back-up counsel. Patent Owner has met and conferred with Petitioner, and Petitioner does not oppose this motion.

II. GOVERNING LAW, RULES, AND PRECEDENT

Under 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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Board has further required that a motion for *pro hac vice* admission be filed in accordance with the “Order Authorizing Motion for *Pro Hac Vice* Admission” entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) (“*United Patents* Order”).

The *United Patents* Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel

pro hac vice during the proceeding” and (2) “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting 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 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 part 42 of 37 C.F.R.;
- vi. The individual will be subject to the U.S.P.T.O. 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);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Pursuant to the Notice and in support of the following statement of facts, and supported by the Declaration of Archibald Deleon Cruz, submitted herewith as Exhibit 2001, Patent Owner requests the *pro hac vice* admission of Archibald Deleon Cruz in this proceeding:

1. Patent Owner's lead counsel, Jerry Selinger (the undersigned), is a registered practitioner (Reg. No. 26,582). Patent Owner's first back-up counsel, Kyrie K. Cameron, is also a registered practitioner (Reg. No. 77,380).

2. Mr. Cruz is a member in good standing of the State Bar of Texas. *Id.* ¶¶ 1–2.

3. Mr. Cruz has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 3.

4. No application of Mr. Cruz for admission to practice before any court or administrative body has ever been denied. *Id.* ¶ 4.

5. Mr. Cruz has never had any sanctions or contempt citations imposed upon him by any court or administrative body. *Id.* ¶ 5

6. Mr. Cruz has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R. Ex. 2001 ¶ 6.

7. Mr. Cruz understands that he will be subject to the U.S.P.T.O. 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). Ex. 2001 ¶ 7.

8. Mr. Cruz is an experienced litigator, and the majority of his practice has consisted of patent litigation and other patent related matters. *Id.* ¶ 9. Mr. Cruz has been actively involved as patent litigation counsel in the following cases:

- *Pave/Lock/Plus II LLC v. Erosion Prevention Products LLC*, 4:20-cv-03557 (S.D. Tex.);
- *Cobblestone Wireless, LLC v. Cisco Systems, Inc.*, 2:23-cv-00454 (E.D. Tex.);
- *Charge Fusion Technologies, LLC v. Polestar Automotive USA, Inc.*, 1:22-cv-01379 (D. Del);
- *CloudfChange, LLC v. Lightspeed POS Inc.*, 6:21-cv-01102 (W.D. Tex.); and
- *InFocus Downhole Solutions USA LLC v. Full-Metal-Power B.V.*, 2:24-cv-00875 (E.D. Tex.).

Ex. 2001 ¶ 9.

9. Mr. Cruz's experience in post-grant patent proceedings includes drafting a petition, a mandatory notice, and a reply. Mr. Cruz is actively involved in the following matter:

- *Qualcomm Incorporated v. Cobblestone Wireless, LLC* (IPR2024-01336).

10. Other than the matters identified in ¶¶ 8–9 *supra*, Mr. Cruz has not applied to appear *pro hac vice* in any other proceedings before the U.S.P.T.O. in the last three years. Ex. 2001 ¶ 11.

11. Mr. Cruz has an established familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 12. Mr. Cruz has reviewed the Patent at issue, the Petition, and the relevant art. *Id.*

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF ARCHIBALD CRUZ

The Board may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. 37 C.F.R. § 42.10(c).

The facts outlined above in the Statement of Facts, and contained in the Declaration of Archibald Cruz (Ex. 2001), establish that there is good cause to admit Mr. Cruz *pro hac vice* in this proceeding. Patent Owner’s lead counsel and first back-up counsel are registered practitioners. Mr. Cruz has experience in patent litigation and post-grant patent proceedings. He also has a familiarity with the subject matter at issue, including the patent, the petition, and the cited references.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board

admit Archibald Deleon Cruz of Patterson + Sheridan, L.L.P. as counsel *pro hac vice* in this proceeding.

Dated: February 19, 2025

Respectfully submitted,

/Jerry R. Selinger/

Jerry R. Selinger

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LEAD COUNSEL FOR PATENT OWNER

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above document was served on February 19, 2025, by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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