

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
Petitioner,

v.

IARNACH TECHNOLOGIES LTD.,
Patent Owner.

IPR2025-00473
Patent 9,674,035 B2

Before JEFFREY S. SMITH, THOMAS L. GIANNETTI, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Thomas L. Duston
37 C.F.R. § 42.10

On May 21, 2025, Petitioner filed a motion requesting *pro hac vice* admission of Thomas L. Duston. Paper 8 (“Motion” or “Mot.”). Petitioner also submitted a Declaration from Thomas L. Duston in support of the Motion. Ex. 1020 (“Declaration”). Patent Owner has not opposed the Motion.

For the reasons provided below, Petitioner’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. 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* 37 C.F.R. § 42.10(c)(1); *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 Petitioner has established good cause for *pro hac vice* admission of Mr. Duston. Mr. Duston will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Petitioner filed a Power of Attorney including Mr. Duston in accordance with 37 C.F.R. § 42.10(b). Paper 2. Petitioner has also filed a Mandatory Notice identifying Mr. Duston as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 8) for *pro hac vice* admission of Thomas L. Duston is *granted*;

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

FURTHER ORDERED that Mr. Duston is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Duston 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;² and

FURTHER ORDERED that Mr. Duston 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.*³

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

² The Declaration states "part 42 of the Code of Federal Regulations." We note the Trial Practice Guide and Rules of Practice are set forth in Part 42 of Title 37.

³ The Declaration states "Office Code of Professional Responsibility set forth in 37 C.F.R. § 11.101." We note Mr. Duston is subject to the "USPTO Rules of Professional Conduct" set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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FOR PETITIONER:

Raymond Ricordati
Thomas L. Duston
MARSHALL, GERTEIN & BORUN LLP
rricordati@marshallip.com
tduston@marshallip.com

FOR PATENT OWNER:

Christopher Limbacher
Michael Heim
Blaine Larson
HEIM PAYNE & CHRUSH, LLP
climbacher@hpcllp.com
mheim@hpcllp.com
blarson@hpcllp.com