

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZHUHAI COSMX BATTERY CO., LTD.,
Petitioner,

v.

NINGDE AMPEREX TECHNOLOGY LTD.,
Patent Owner.

IPR2025-00524
Patent 12,015,118 B2

Before DONNA M. PRAISS, JOHN G. NEW, and DEBRA L. DENNETT,
Administrative Patent Judges.

NEW, *Administrative Patent Judge.*

ORDER
Conditional *Pro Hac Vice* Admission of BRADY COX
37 C.F.R. § 42.10

On January 9, 2026, Patent Owner filed a Notice of Intent to designate provisionally recognized PTAB attorney Brady Cox as *pro hac vice* back-up counsel in the above-identified proceeding. *See* Paper 20 (“Notice”). The Notice is accompanied by a certification in the form of a Declaration from Mr. Cox. *See* Ex. 2044 (“Declaration”). Patent Owner has also previously filed a Power of Attorney including Mr. Cox in accordance with 37 C.F.R. § 42.10(b). *See* Paper 4.

In accordance with 37 C.F.R. § 42.10(c)(2), a counsel who is not a registered practitioner, who has been previously admitted *pro hac vice* in a Board proceeding, and who has not subsequently been denied permission to appear *pro hac vice*, shall be considered a provisionally recognized PTAB attorney thereby eligible for automatic *pro hac vice* admission in subsequent proceedings, subject to specific conditions. *See* 37 C.F.R. § 42.10(c)(2)(i).

The conditions include the filing of a notice of intent to designate the provisionally recognized PTAB attorney as back-up counsel; the notice (a) identifying a registered practitioner who will serve as lead counsel, and (b) be accompanied by a certification in the form of a declaration or affidavit. In the declaration or affidavit, the provisionally recognized PTAB attorney must attest to satisfying all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney, and agrees to be subject to the USPTO Rules of Professional Conduct set forth in §§ 11.101 *et seq.* of this chapter and disciplinary jurisdiction under § 11.19(a) of this chapter. *See* 37 C.F.R. § 42.10(c)(2)(ii); *see also* *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission,” setting forth requirements for *pro hac vice* admission).

Patent Owner’s Notice identifies Christopher TL Douglas (Reg. No. 56,950) as lead counsel. Notice 5. The Notice also identifies the most recent prior proceeding in which Mr. Cox was recognized *pro hac vice* (*id.* at 5–6), and Mr. Cox’s Declaration attests to satisfying all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney (*see* Ex. 2044 ¶¶ 2–12). In the Declaration, Mr. Cox also notes that he has “read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in title 37, part 42 of the Code of Federal Regulations,” and “agree[s] to be subject to the United States Patent and Trademark Office Rules of Professional Responsibility set forth in parts 10 and 11 of 37 C.F.R. and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).”¹ *See id.* ¶¶ 6–7.

Based on the facts set forth in the Notice and the accompanying Declaration, and in view of the fact that no objection to the Notice was filed by Petitioner,² Mr. Cox will be deemed admitted *pro hac vice* in this proceeding upon Patent Owner’s filing an updated mandatory notice identifying Mr. Cox as counsel of record. That is because—regardless of Mr. Cox having been included in earlier-filed mandatory notices—37 CFR §42.10(c)(2)(iii) provides that “the provisionally recognized PTAB attorney

¹ Mr. Cox’s certification statement references “the United States Patent and Trademark Office Rules of Professional Responsibility set forth in parts 10 and 11 of 37 C.F.R.” *See* Ex. 2044 ¶ 7 (emphasis added). We note that Mr. Cox will in fact be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq.

² Petitioner had until January 16, 2026 to file an objection to the Notice. *See* 37 C.F.R. § 42.10(c)(2)(iii) (“Any objection shall be filed by a party within five business days after the filing of the notice.”).

shall be deemed admitted *pro hac vice* in th[e] proceeding upon filing of updated mandatory notices identifying that counsel as counsel of record.” In other words, *pro hac vice* recognition will not be effective until Patent Owner files an *updated* mandatory notice (as required by 37 C.F.R. § 42.10(c)(2)(iii)), as a previously filed mandatory notice that includes the *pro hac vice* attorney (e.g., Patent Owner’s prior mandatory notice referencing Brady Cox, *see* Paper 3) does *not* meet 37 C.F.R. § 42.10(c)(2)(iii).

In consideration of the foregoing, it is hereby:

ORDERED that Mr. Brady Cox shall be deemed admitted *pro hac vice* in this proceeding upon filing of updated mandatory notices identifying Mr. Cox as counsel of record;

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. Cox is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Cox be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide³ (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. Cox 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 Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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