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Entered: April 9, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOPSOE, INC.,
Petitioner,

v.

CASALE SA,
Patent Owner.

IPR2025-01454
Patent 11,286,168 B2

Before JOHN G. NEW, DEBRA L. DENNETT, and MICHAEL A. VALEK, *Administrative Patent Judges*.

DENNETT, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Erin Kolter and Payton George
37 C.F.R. § 42.10(c)

Patent Owner filed Motions for *pro hac vice* admission of Erin Kolter and Payton George (Papers 18 and 20) in the above-captioned proceeding. Patent Owner submitted Declarations of Erin Kolter and Payton George (Papers 19 and 21) in support of the Motions. For the reasons provided below, Patent Owner's Motions are *conditionally granted*.

In accordance with 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. 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* Paper 4, 2 (Notice of Filing Date Accorded); *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission").

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Ms. Kolter and Ms. George have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meet all other requirements for admission *pro hac vice*. *See* Paper 19 ¶¶ 1–13; Paper 21 ¶¶ 1–13.[1] Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Kolter and Ms. George. Ms. Kolter and Ms.

[1] Petitioner filed the Declarations as papers, not as exhibits. Petitioner is reminded that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) ("Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit."). Further, paragraph 8 of both Declarations should refer to the Board's " . . . Rules of Practice for Trials set forth in part 42 of 37 C.F.R." *See Unified Patents*, at 3 (item 2.b.v). The Motions should match the Declarations. We excuse these oversights.

George will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Patent Owner did not file a Power of Attorney including Ms. Kolter and Ms. George in accordance with 37 C.F.R. § 42.10(b). The Motion for Ms. George incorrectly states a power of attorney for Ms. George was previously submitted. Paper 20 ¶ 12. Patent Owner states Dorsey & Whitney LLP (the law firm of Ms. Kolter and Ms. George) is counsel of record for the '168 patent. Paper 5, 3. However, the power of attorney filed during prosecution did not designate attorneys of Dorsey & Whitney LLP but instead designated Patent Practitioners associated with Customer Number 116407. *See* Power of Attorney by Applicant (filed Aug. 13, 2019). Accordingly, a power of attorney is needed.

Patent Owner has not filed Mandatory Notices identifying Ms. Kolter as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Accordingly, it is

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Erin Kolter and Payton George are *conditionally granted*, provided that within ten (10) business days of the date of this Order, Patent Owner must submit a Power of Attorney including Ms. Kolter and Ms. George in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Ms. Kolter as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Ms. Kolter and Ms. George are authorized to act as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Kolter and Ms. George be familiar with the Patent Trial and Appeal Board, Trial Practice Guide[2] 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 Ms. Kolter and Ms. George are 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*.

[2] Patent Trial and Appeal Board, Trial Practice Guide (Dec. 2025), *available at* https://www.uspto.gov/patents/ptab/trial-practice-guide.

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