

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUHTAMAKI FLEXIBLE PACKAGING GERMANY GMBH & CO. KG,
Petitioner,

v.

DANAPAK FLEXIBLES A/S,
Patent Owner.

PGR2023-00008
Patent 11,260,624

Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and
BRIAN D. RANGE, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for Admission
Pro Hac Vice of Timothy P. Getzoff
37 C.F.R. § 42.10

On March 15, 2023, Patent Owner filed a motion requesting *pro hac vice* admission of Timothy P. Getzoff. Paper 5 (“Motion”). Patent Owner submitted an Affidavit from Mr. Getzoff in support of the Motion.

Ex. 2011. Petitioner has not opposed Patent Owner’s Motion. For the reasons provided below, we *conditionally grant* Patent Owner’s Motion.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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 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 Affidavit, we conclude that Mr. Getzoff has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Getzoff has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Getzoff meets all other requirements for admission *pro hac vice*. *See* Ex. 2011 ¶¶ 1–8.

Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Getzoff.

Patent Owner filed a Mandatory Notice identifying Mr. Getzoff as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 4. Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Getzoff. In view thereof, and for the reasons set forth above, Patent

Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

In consideration of the foregoing, it is hereby

ORDERED that the Motion for *Pro Hac Vice* Admission of Timothy P. Getzoff is *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a Power of Attorney for Mr. Getzoff in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner represent it as lead counsel for the instant proceeding; Mr. Getzoff is authorized to represent Patent Owner only as back-up counsel in this proceeding;

FURTHER ORDERED that Mr. Getzoff is to comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))¹ and 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. Getzoff shall be 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>.

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