

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 B2

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

KALAN, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Unopposed Motion for Admission
Pro Hac Vice of Jeffrey R. Roeser
37 C.F.R. § 42.10

On August 8, 2023, Patent Owner filed a motion for *pro hac vice* admission of Jeffrey R. Roeser in the above-listed proceeding (“Motion”). Paper 16. Patent Owner submitted an Affidavit from Mr. Roeser in support of the Motion. Paper 16, Appendix.¹ Petitioner has not opposed 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. Roeser has sufficient qualifications to represent Patent Owner in this proceeding, that Mr. Roeser has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Roeser meets all other requirements for admission *pro hac vice*. *See* Paper 16, Appendix ¶¶ 1–5. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Roeser.

¹ Patent Owner filed the affidavit as a paper. We deem this to be harmless error. Patent Owner 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.”).

In consideration of the foregoing, it is hereby

ORDERED that the Motion for *Pro Hac Vice* Admission of Jeffrey R. Roeser is *granted* and Mr. Roeser is authorized to represent Patent Owner only as back-up counsel in this proceeding;

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

FURTHER ORDERED that a registered practitioner will continue to represent Patent Owner as lead counsel in the above-listed proceeding;

FURTHER ORDERED that Mr. Roeser shall comply with the Office Patent Trial Practice Guide, as updated by the Consolidated Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)) 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. Roeser is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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