

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOME DEPOT U.S.A., INC.,
Petitioner,

v.

LYNK LABS, INC.,
Patent Owner.

PGR2023-00016
Patent 11,297,705 B2

Before ARTHUR M. PESLAK, STEPHENE. BELISLE, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

BELISLE, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Mary Dahl
37 C.F.R. § 42.10(c)

Petitioner filed a Motion for *Pro Hac Vice* Admission of Mary Dahl. Paper 14 (“Motion”). Petitioner submitted a Declaration of Ms. Mary Dahl in support of the Motion. Ex. 1033. Petitioner attests that Patent Owner does not oppose the Motion. Motion 3. For the reasons provided below, Petitioner’s Motion is *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 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 Motion and the accompanying Declaration, we conclude that Ms. Dahl has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1033. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Dahl. Ms. Dahl will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Ms. Dahl in accordance with 37 C.F.R. § 42.10(b). Paper 2.

Accordingly, it is

ORDERED that Petitioner's Motion for *pro hac vice* admission of Mary Dahl is *granted*;

FURTHER ORDERED that Petitioner must file an updated Mandatory Notice identifying Ms. Dahl as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Ms. Dahl is authorized to act as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Dahl comply with the Patent Trial and Appeal Board 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 Ms. Dahl 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.*

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

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