

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRUSOE ENERGY SYSTEMS, LLC,
Petitioner,

v.

UPSTREAM DATA INC.,
Patent Owner.

PGR2023-00039
Patent 11,574,372 B2

Before HYUN J. JUNG, JAMES J. MAYBERRY, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

PER CURIAM.

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

On November 14, 2023, Patent Owner filed a motion for *pro hac vice* admission of Yakov Zolotorev in this proceeding. Paper 8 (“Motion” or “Mot.”). The Motion relies on a Declaration from Mr. Zolotorev. Ex. 2009 (“Declaration”). A Power of Attorney naming Mr. Zolotorev was filed. Paper 9. Patent Owner indicates that Petitioner does not oppose the motion. Mot. 3.

For the reasons provided below, Patent Owner’s Motion is *granted*.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this 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 Declaration, we conclude that Mr. Zolotorev has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that he has demonstrated sufficient familiarity with the subject matter of this proceeding, that he meets all other requirements for admission *pro hac vice*, and that Patent Owner’s intent to be represented by counsel with litigation experience is warranted. *See* Ex. 2009. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Zolotorev, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c).

ORDER

It is:

ORDERED that Patent Owner's motion for *pro hac vice* admission of Yakov Zolotorev is *granted*, and Mr. Zolotorev is authorized to represent Patent Owner only as back-up counsel in this proceeding;

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

FURTHER ORDERED that Mr. Zolotorev is to comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (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;

FURTHER ORDERED that Mr. Zolotorev 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.*; and

FURTHER ORDERED that Patent Owner shall file an updated mandatory notice in this proceeding, according to 37 C.F.R. § 42.8(b)(3), providing updated information regarding back-up counsel.

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

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