

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINDERFARMS LLC,
Petitioner,

v.

GENEXA INC.,
Patent Owner.

PGR2023-00051
Patent 11,617,795 B2

Before DEBORAH KATZ, MICHAEL J. FITZPATRICK, and
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

KATZ, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Shantelle L. LaFayette
37 C.F.R. § 42.10(c)

Petitioner filed a motion for *pro hac vice* admission of Shantelle L. LaFayette. Paper 15 (“Motion”). Petitioner submitted a declaration of Shantelle L. LaFayette in support of the Motion. Ex. 1044. Patent Owner has not opposed the Motion. For the reasons provided below, Petitioner’s Motion is *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 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. LaFayette 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. 1044. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. LaFayette. Ms. LaFayette will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Ms. LaFayette. Therefore, Petitioner’s

Motion is *conditionally granted*, and will become effective after Petitioner files a Power of Attorney for Ms. LaFayette.

Accordingly, it is

ORDERED that Petitioner's Motion for *pro hac vice* admission of Shantelle L. LaFayette is *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner submits a Power of Attorney for Ms. LaFayette in accordance with 37 C.F.R. § 42.10(b);

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

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

FURTHER ORDERED that Ms. LaFayette be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))¹ 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. LaFayette 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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