

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

Granting Patent Owner's Motions for
Admission *Pro Hac Vice* of Adam Pivovar, Stephen R. Smith, and
Brianna Patterson
37 C.F.R. § 42.10

On April 24, 2024, Patent Owner filed Motions requesting Admission *Pro Hac Vice* of Adam Pivovar, Stephen R. Smith, and Brianna Patterson. Paper 11; Paper 12; Paper 13. Patent Owner submitted Declarations from Dr. Pivovar, Mr. Smith, and Mrs. Patterson in support of the Motions. Exs. 2003, 2005, 2007. Patent Owner states that Petitioner does not oppose the Motions. Paper 11, 1; Paper 12, 2; Paper 13, 2.

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 admission *pro hac vice*, 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) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Dr. Pivovar, Mr. Smith, and Mrs. Patterson have sufficient legal and technical qualifications to represent Patent Owner in this proceeding; that Dr. Pivovar, Mr. Smith, and Mrs. Patterson have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding; and that Dr. Pivovar, Mr. Smith, and Mrs. Patterson meet all other requirements for admission *pro hac vice*. *See* Ex. 2003, ¶¶ 1–12; Ex. 2005, ¶¶ 1–13; Ex. 2007, ¶¶ 1–12. Accordingly, Patent Owner has established good cause for admission *pro hac vice* of Dr. Pivovar, Mr. Smith, and Mrs. Patterson. Dr. Pivovar, Mr. Smith, and Mrs. Patterson will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Powers of Attorney have been submitted for Dr. Pivovar, Mr. Smith, and Mrs. Patterson in accordance with 37 C.F.R. § 42.10(b). Paper 5. Mandatory Notices have also been submitted, identifying Dr. Pivovar, Mr. Smith, and Mrs. Patterson as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 4.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions (Paper 11, Paper 12, Paper 13) for admission *pro hac vice* of Adam Pivovar, Stephen R. Smith, and Brianna Patterson are *granted*;

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings, and that Dr. Pivovar, Mr. Smith, and Mrs. Patterson are authorized to act only as back-up counsel;

FURTHER ORDERED that Dr. Pivovar, Mr. Smith, and Mrs. Patterson comply with the Patent Trial and Appeal Board's 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; and

FURTHER ORDERED that Dr. Pivovar, Mr. Smith, and Mrs. Patterson are 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. §§ 11.101–11.901.

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

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