

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRUSOE ENERGY SYSTEMS, LLC,
Petitioner,

v.

UPSTREAM DATA INC.,
Patent Owner.

PGR2023-00052
Patent 11,574,372 B2

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

MEYERS, *Administrative Patent Judge*.

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

On December 11, 2023, Patent Owner filed a motion requesting *pro hac vice* admission of Yakov Zolotorev. Paper 6 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Mr. Zolotorev in support of the Motion. Ex. 2001 (“Declaration”). Petitioner has not opposed the Motion. For the reasons provided below, Patent Owner’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 (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,¹ we conclude that Mr. Zolotorev has sufficient legal and technical qualifications to represent Patent Owner 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. 2001. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Zolotorev. Mr. Zolotorev will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

¹ We note that the Declaration includes IPR2023-00039 in the list of proceedings in which Mr. Zolotorev has appeared *pro hac vice* before the Office in the last three years. *See* Ex. 2001 ¶ 7. We understand this should instead identify **PGR**2023-00039. We deem this to be a typographical error.

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Zolotorev. Therefore, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

Patent Owner has not filed updated Mandatory Notices identifying Mr. Zolotorev as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Mr. Zolotorev as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 6) for *pro hac vice* admission of Yakov Zolotorev is *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner submits a Power of Attorney for Mr. Zolotorev in accordance with 37 C.F.R. § 42.10(b);

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

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

FURTHER ORDERED that Mr. Zolotorev is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Zolotorev comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg.

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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. 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.*

PGR2023-00052
Patent 11,574,372 B2

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