

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INARI AGRICULTURE, INC.,
Petitioner,

v.

PIONEER HI-BRED INTERNATIONAL, INC.,
Patent Owner.

PGR2024-00019 (Patent 11,659,803)
PGR2024-00020 (Patent 11,666,020)
PGR2024-00023 (Patent 11,696,545)¹

Before ULRIKE W. JENKS, ZHENYU YANG, and JAMIE T. WISZ,
Administrative Patent Judges.

JENKS, *Administrative Patent Judge.*

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice* Admission of
Dexter Whitley, Yong Wang, and Jonathan Singer
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that PGR2024-00019, PGR2024-00020, and PGR2024-00023 have been joined. The parties are not authorized to use this caption without express permission of the Board.

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On May 24, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Dexter Whitley (Paper 9), Yong Wang (Paper 10), and Jonathan Singer (Paper 11) in each of the above-identified proceedings (collectively “Motions”).² Patent Owner also submitted Declarations from Attorneys Whitley (Ex. 2001), Wang (Ex. 2002), and Singer (Ex. 2003) in support of the Motions (collectively “Declarations”).³ Petitioner has not opposed the Motions.

For the reasons provided below, Patent Owner’s Motions are *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 Motions and the accompanying Declarations, we conclude that Attorneys Whitley, Wang, and Singer each have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, have demonstrated sufficient litigation experience and

² For purposes of expediency, we cite to the Papers filed in PGR2024-00019. Patent Owner filed similar Motions in PGR2024-00020 (Papers 9–11) and PGR2024-00023 (Papers 6–8).

³ We cite to the Exhibits filed in PGR2024-00019. Patent Owner filed similar Declarations in PGR2024-00020 (Exs. 2001–03) and PGR2024-00023 (Exs. 2001–03).

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familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. See Exs. 2001–03. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Attorneys Whitley, Wang, and Singer. They will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney identifying Attorneys Whitley, Wang, and Singer in accordance with 37 C.F.R. § 42.10(b). Paper 7.⁴ Patent Owner has not, however, filed Mandatory Notices identifying Attorneys Whitley, Wang, and Singer 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 Motions for *pro hac vice* admission of Dexter Whitley, Yong Wang, and Jonathan Singer are *granted*;

FURTHER ORDERED that Patent Owner is to file updated mandatory notices within ten (10) business days of the date of this order identifying Attorneys Whitley, Wang, and Singer as back-up counsels 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 the above-identified proceedings;

FURTHER ORDERED that Attorneys Whitley, Wang, and Singer are authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

⁴ Patent Owner filed similar Powers of Attorney in PGR2024-00020 (Paper 7) and PGR2024-00023 (Paper 5).

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FURTHER ORDERED that Attorneys Whitley, Wang, and Singer comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁵ (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 Attorneys Whitley, Wang, and Singer 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 *et. seq.*

⁵ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FOR PETITIONER:

Scott McKeown
Smckeown-ptab@wolfgreenfield.com

Oona Johnstone
Ojohnstone-ptab@wolfgreenfield.com

Thomas Foley
Tfoley-ptab@wolfgreenfield.com

Zhiyun Ge
Jean.ge@wolfgreenfield.com

FOR PATENT OWNER:

Michael Kane
kane@fr.com

Katie Hyma
hyma@fr.com