

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MPL BRANDS NV, INC.,
Petitioner,

v.

BUZZBALLZ, LLC,
Patent Owner.

PGR2024-00035
Patent 11,932,441 B1

Before KEN B. BARRETT, ERIC C. JESCHKE, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

DECISION
Granting Petitioner's Motion for
Pro Hac Vice Admission of Helena Burns
37 C.F.R. § 42.10

Petitioner filed a motion requesting *pro hac vice* admission of Helena Burns in this proceeding, together with an Affidavit¹ from Ms. Burns. Paper 30 (“Motion” or “Mot.”); Ex. 1023 (“Declaration”). Patent Owner has not opposed the Motion. For the below reasons, Petitioner’s Motion is *granted*.

Under 37 C.F.R. § 42.10(c)(1), 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. The moving party must provide a statement of facts showing good cause and an affidavit or declaration of the individual seeking to appear in the proceeding. *See* 37 C.F.R. § 42.10(c)(1); *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 Ms. Burns has sufficient 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* Declaration ¶¶ 1–9. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Burns. Ms. Burns is permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

Petitioner filed a Power of Attorney including Ms. Burns in accordance with 37 C.F.R. § 42.10(b). Paper 32. Petitioner has also filed

¹ Ms. Burns’ “Affidavit” (Ex. 1023) is not notarized as required by 37 C.F.R. § 1.66. Nevertheless, we deem the “Affidavit” to be a Declaration because it contains the language required for a declaration in lieu of an oath. Ex. 1023, 3; *see* 37 C.F.R. § 1.68; 28 U.S.C. § 1746.

Mandatory Notices identifying Ms. Burns as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 31, 2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 30) for *pro hac vice* admission of Helena Burns is *granted*;

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

FURTHER ORDERED that Ms. Burns is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Burns be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019)), 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. Burns 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.*

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

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For PETITIONER:

Babak Tehranchi
M. Craig Tyler
Kristen Schunter
Daniel Shvodian
R. Tyler Kendrick
Andrew Kalamarides
PERKINS COIE LLP
tehranchi-ptab@perkinscoie.com
tyler-ptab@perkinscoie.com
schunter-ptab@perkinscoie.com
shvodian-ptab@perkinscoie.com
kendrick-ptab@perkinscoie.com
kalamarides-ptab@perkinscoie.com

For PATENT OWNER:

Greg Webb
Alan Herda
Jason Whitney
Zachary Halbur
Brooke Cohen
Adam Erickson
HAYNES AND BOONE, LLP
greg.webb.ipr@haynesboone.com
alan.herda.ipr@haynesboone.com
jason.whitney.ipr@haynesboone.com
zachary.halbur.ipr@haynesboone.com
brooke.cohen.ipr@haynesboone.com
adam.erickson.ipr@haynesboone.com