

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CATALYST ORTHOSCIENCE, INC.,
Petitioner,

v.

SHOULDER INNOVATIONS, INC.,
Patent Owner.

PGR2024-00042
Patent 11,771,561 B2

Before SCOTT A. DANIELS, JAMES A. TARTAL, and
LISA L. TSANG, *Administrative Patent Judges*.

TSANG, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motion for Admission *Pro Hac Vice* of
Andrew McElligott
37 C.F.R. § 42.10

On September 30, 2024, Patent Owner filed a motion for admission *pro hac vice* of Andrew McElligott in this proceeding. Paper 8 (“Mot.” or “Motion”). The Motion relies on a Declaration from Mr. McElligott. Ex. 2009 (“Decl.”). Powers of Attorney and Mandatory Notice identifying Mr. McElligott have been filed. Papers 5, 6.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB 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 Mr. McElligott has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that he has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that, effectively, he meets all other requirements for admission *pro hac vice*. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. McElligott, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c) (2024).

ORDER

It is:

ORDERED that Patent Owner's motion for *pro hac vice* admission of Andrew McElligott is *granted*, and Mr. McElligott is authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in each proceeding;

FURTHER ORDERED that Mr. McElligott is to be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 2019), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>, and comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. McElligott is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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