

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.*

ORDER

Conditionally Granting Petitioner's Motions for Admission Pro Hac Vice of
John F. Bennett and Ava M. Bowden
37 C.F.R. § 42.10

On October 15, 2024, Petitioner filed Motions requesting admission *pro hac vice* of John F. Bennett and Ava M. Bowden in this proceeding. Paper 10 (“Bennett Motion”); Paper 11 (“Bowden Motion”). The Motions rely on Declarations from Mr. Bennett and Mrs. Bowden. Ex. 1020 (“Bennett Decl.”); Ex. 1019 (“Bowden Decl.”).

Petitioner has not submitted a Power of Attorney for Mr. Bennett or Mrs. Bowden in accordance with 37 C.F.R. § 42.10(b). Petitioner has also not filed a Mandatory Notice, identifying Mr. Bennett or Mrs. Bowden as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). In view thereof, and for the reasons provided below, Petitioner’s Motions are *conditionally granted*, and are to be effective after Petitioner files the aforementioned Power of Attorney and Mandatory Notice.

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*, Case 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 Mr. Bennett and Mrs. Bowden have sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Bennett and Mrs. Bowden have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Bennett and Mrs. Bowden meet all other

requirements for admission *pro hac vice*. See Ex. 1020 ¶¶ 1–9; Ex. 1019 ¶¶ 1–9. Accordingly, Petitioner has established good cause for admission *pro hac vice* of Mr. Bennett and Mrs. Bowden. Mr. Bennett and Mrs. Bowden will be permitted to appear *pro hac vice* as back-up counsel only. See 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Petitioner’s Motions (Paper 10; Paper 11) for admission *pro hac vice* of John F. Bennett and Ava M. Bowden in the above-identified proceeding are *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner submits a Power of Attorney for Mr. Bennett and Mrs. Bowden in accordance with 37 C.F.R. § 42.10(b) in this proceeding;

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

FURTHER ORDERED that Mr. Bennett and Mrs. Bowden are authorized to act only as back-up counsel in this proceeding;

FURTHER ORDERED that Mr. Bennett and Mrs. Bowden shall comply with the Consolidated Trial Practice Guide, 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;

FURTHER ORDERED that Mr. Bennett and Mrs. Bowden shall be 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.*; and

FURTHER ORDERED that Petitioner shall file an updated mandatory notice in this proceeding, within twenty-one (21) business days of the date of this order, according to 37 C.F.R. § 42.8(a)–(b), providing updated information regarding back-up counsel.

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