

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MULTI-COLOR CORPORATION,
Petitioner,

v.

BROOK & WHITTLE LTD.,
Patent Owner.

PGR2025-00025
Patent 11,961,422 B2

Before JOHN G. NEW, KIMBERLY McGRAW, and
SHELDON M. McGEE, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

ORDER

*Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Tera Jo Stone
37 C.F.R. § 42.10(c)*

Patent Owner filed a Motion for *pro hac vice* admission of Tera Jo Stone (Paper 37) in the above-captioned proceeding. Patent Owner submitted a Declaration of Tera Jo Stone (Ex. 2040) in support of the Motion. Patent Owner states that Petitioner does not oppose the Motion. Paper 37, 1. 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, Paper 7 (PTAB Oct. 15, 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 Ms. Stone 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. 2040 ¶¶ 2–11.¹ Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Stone. Ms. Stone will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner did not file a Power of Attorney including Ms. Stone in accordance with 37 C.F.R. § 42.10(b). Patent Owner has also not filed Mandatory Notices identifying Ms. Stone as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

¹ Paragraph 10 of the Declaration should refer to the Board’s “. . . Rules of Practice for Trials set forth in Part 42 of 37 C.F.R.” *See Unified Patents*, at 3 (item 2.b.v). The Motion should match the Declaration. We excuse these oversights.

Accordingly, it is

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Ms. Stone is *conditionally granted*, provided that within ten (10) business days of the date of this Order, Patent Owner must submit a Power of Attorney for Ms. Stone in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Ms. Stone as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Ms. Stone is authorized to act as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Stone be familiar with the Patent Trial and Appeal Board, Trial Practice Guide² 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. Stone 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 Patent Trial and Appeal Board, Trial Practice Guide (Dec. 2025), *available at* <https://www.uspto.gov/patents/ptab/trial-practice-guide>.

PGR2025-00025 (Patent 11,961,422 B2)

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