

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NICHOLSON MANUFACTURING LTD.,
Petitioner,

v.

BID GROUP TECHNOLOGIES LTD.,
Patent Owner.

PGR2025-00081
Patent 12,163,947 B2

Before WILLIAM V. SAINDON, NABEEL U. KHAN, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

KHAN, *Administrative Patent Judge*.

ORDER
Conditionally Granting Patent Owner's Motion for
Pro Hac Vice Admission of Caroline E. Burks
37 C.F.R. § 42.10

On May 22, 2026, Patent Owner filed a motion requesting *pro hac vice* admission of Caroline E. Burks in the above-identified proceeding. Paper 15 (“Motion”). Patent Owner also submitted a Declaration from Caroline E. Burks in support of the Motion. *Id.* at 5–9 (“Declaration”).¹ Patent Owner indicates Petitioner does not object to the Motion. *Id.* at 2. For the reasons provided below, the Motion is *conditionally granted*.

In accordance with 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. 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. Burks has sufficient qualifications to represent Patent Owner in this proceeding, has demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See Declaration*. Accordingly, Patent Owner has established good cause for

¹ Patent Owner filed Ms. Burks’ Declaration as part of the Motion. We excuse this mistake on this occasion, but remind the parties that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

pro hac vice admission of Ms. Burks. Ms. Burks will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Ms. Burks. In view thereof, Patent Owner's Motion is *conditionally granted* and is to be effective after Patent Owner submits such a Power of Attorney in accordance with 37 C.F.R. § 42.10(b).

We also note that Patent Owner has not submitted updated mandatory notices identifying Ms. Burks as back-up counsel. Therefore, Patent Owner must submit such an updated mandatory notice identifying Ms. Burks 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 Motion (Paper 15) for *pro hac vice* admission of Caroline E. Burks 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. Burks in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Ms. Burks 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 for the instant proceeding, but that Ms. Burks is authorized to act as back-up counsel;

FURTHER ORDERED that Ms. Burks 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. Burks 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 www.uspto.gov/patents/ptab/trial-practice-guide.

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