

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WHOOOP, INC.,
Petitioner,

v.

OMNI MEDSCI, INC.,
Patent Owner.

PGR2026-00003
Patent 12,193,790 B2

Before LINDA E. HORNER, CHRISTOPHER L. OGDEN, and
BRIAN P. MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Nathaniel R. Scharn
37 C.F.R. § 42.10

On May 29, 2026, Petitioner filed a motion for *pro hac vice* admission of Nathaniel R. Scharn in the above-identified proceeding (“Motion”). Paper 16. Petitioner also filed a declaration from Mr. Scharn in support of the Motion (“Declaration”). Ex. 1080.

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* Paper 3, 4 (Notice of Filing Date Accorded).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Scharn has sufficient qualifications to represent Petitioner in this proceeding, that Mr. Scharn has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Scharn meets all other requirements for admission *pro hac vice*. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Scharn.

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 Mr. Scharn. In view thereof, and for the reasons set forth below, Petitioner’s Motion is *conditionally granted*, and is to be effective after Petitioner files the aforementioned Power of Attorney.

Petitioner has not filed updated mandatory notices identifying Mr. Scharn as back-up attorney. Therefore, Petitioner must file an updated

mandatory notice identifying Mr. Scharn as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Accordingly, it is:

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

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. Scharn as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceeding, and Mr. Scharn is authorized to represent Petitioner as back-up counsel only;

FURTHER ORDERED that Mr. Scharn be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (November 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 Mr. Scharn shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct under 37 C.F.R. §§ 11.101 *et seq.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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