

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

McCLINTON ENERGY GROUP, LLC, JAYCAR ENERGY GROUP LLC,
SURF FRAC WELLHEAD EQUIPMENT CO., MOTOR MILLS SNUBBING
LLC, STAN KEELING, and TONY D. McCLINTON,
Petitioner,

v.

MAGNUM OIL TOOLS INTERNATIONAL, LTD.,
Patent Owner.

Case IPR2014-00993
Patent 8,459,346 B2

Before SALLY C. MEDLEY, MICHAEL R. ZECHER, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

DECISION
Motion for *Pro Hac Vice* Admission
37 C.F.R. § 42.10

On July 15, 2014, Petitioner filed a motion for *pro hac vice* admission of Mr.

Robert J. Barz. Paper 8. The motion is unopposed.¹ For the reasons provided below, Petitioner's motion is *granted*.

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 authorizing motions for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing 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. Paper 4, Notice of Filing Date Accorded to Petition, 3 (incorporating requirements in the "Order – Authorizing Motion for *Pro Hac Vice* Admission" in IPR2013-00639).

In this proceeding, lead counsel for Petitioner, Mr. Jason Engel, is a registered practitioner. Petitioner's motion indicates that there is good cause for the Board to recognize Mr. Barz *pro hac vice* during this proceeding, and is supported by the declaration of Mr. Barz. Ex. 1028.

In particular, the motion explains that Mr. Barz is an experienced litigating attorney, and Mr. Barz declares that he has an established familiarity with the subject matter at issue in this proceeding, as he is counsel for Petitioner in a related district case between the Petitioner and Patent Owner involving the same patent in this proceeding. Paper 8, 1; Ex. 1028, ¶ 8.

Upon consideration, Petitioner has demonstrated that Mr. Barz possesses

¹ Patent Owner did not file an opposition within one week from the filing of Petitioner's motion.

sufficient legal and technical qualifications to represent Petitioner in this proceeding, and the Board recognizes that there is a need for Petitioner to have related litigation counsel involved. Accordingly, Petitioner has established good cause for Mr. Barz's admission. Mr. Barz will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the foregoing reasons, it is

ORDERED that Petitioner's motion for *pro hac vice* admission of Mr. Robert J. Barz is *granted*;

FURTHER ORDERED that Mr. Robert J. Barz is authorized to represent Petitioner as back-up counsel only;

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

FURTHER ORDERED that Mr. Robert J. Barz is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations, and to 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.*

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PETITIONERS:

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