

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARTSANA USA, INC.,
Petitioner,

v.

KOLCRAFT ENTERPRISES, INC.,
Patent Owner.

Case IPR2014-01053
Patent 8,388,501

Before JAMES T. MOORE, *Administrative Patent Judge*.

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

On July 30, 2014, Patent Owner filed an unopposed motion for pro hac vice admission of Mr. Raymond P. Niro, Jr. Paper 9. For the reasons provided below, Patent Owner'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

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to appear in this proceeding. Paper 3, Notice of Filing Date Accorded to Petition, 3.

In this proceeding, lead counsel for Patent Owner, Mr. Robert E. Conley, is a registered practitioner. Patent Owner's motion urges that there is good cause for the Board to recognize Mr. Niro *pro hac vice* during these proceedings, and is supported by the affidavit of Mr. Niro. Ex. 2001.

In particular, the motion explains that Mr. Niro is an experienced litigating attorney, and Mr. Niro declares that he has an established familiarity with the subject matter at issue in this proceeding, as he is counsel in a related district court case involving the same patent involved in these proceedings. Ex 2001 at 3-4.

Upon consideration, Patent Owner has demonstrated that Mr. Niro possesses sufficient legal and technical qualifications to represent Patent Owner in these proceedings, and the Board recognizes that there is a desire for Patent Owner to have Mr. Niro involved in these trial proceedings by his significant involvement in closely related district court trial proceedings. Accordingly, Patent Owner has established good cause for Mr. Niro's admission. Mr. Niro 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 Patent Owner's motion for *pro hac vice* admission of Mr. Raymond P. Niro, Jr. is granted;

FURTHER ORDERED that Mr. Raymond P. Niro, Jr. is authorized to represent Patent Owner as back-up counsel only;

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FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent Patent Owner as lead counsel for these proceedings; and

FURTHER ORDERED that Mr. Raymond P. Niro, Jr. 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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