

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYDRITE CHEMICAL CO.,
Petitioner,

v.

SOLENIS TECHNOLOGIES, L.P.,
Patent Owner.

Case IPR2015-01586
Patent 8,841,469 B2

Case IPR2015-01592
Patent 8,962,059 B1¹

Before ERICA A. FRANKLIN, DONNA M. PRAISS, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

DECISION
Petitioner's Motion for *Pro Hac Vice*
Admission of Christopher J. Fahy
37 C.F.R. § 42.10

¹ This order addresses identical motions filed in both cases; therefore, we issue a single order to be entered in each case. The parties may not use this style heading in their papers without prior authorization.

IPR2015-01586 (Patent 8,841,469 B2)

IPR2015-01592 (Patent 8,962,059 B1)

For each of these proceedings, Petitioner filed a motion requesting *pro hac vice* admission of Mr. Christopher J. Fahy (Paper 9, “Mot.”),² with a supporting declaration of Mr. Fahy attached (“Fahy Decl.”). Patent Owner did not oppose the motion within the one-week period permitted for filing an opposition. For the reasons stated below, Petitioner’s motion is *granted*.

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 and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.* 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. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, slip op. at 3 (PTAB Oct. 15, 2013) (Paper 7).

Petitioner comes forward with evidence that Mr. Fahy is an experienced intellectual property litigation attorney with an established familiarity with the subject matter at issue in these *inter partes* reviews. Mot. 2–3; Fahy Decl. ¶¶ 8–9. In particular, Petitioner asserts that “Mr. Fahy has worked extensively with lead and back-up counsel in preparing the Petition.” Mot. 3; Fahy Decl. ¶ 9. Mr. Fahy attests that he is a member in

² Unless otherwise noted, citations to the record herein are in reference to IPR2015-01586. The same papers may be found in IPR2015-01592.

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good standing of the state bar of Illinois, and has never been suspended or disbarred from practice, denied application to practice, sanctioned, or cited for contempt by any court or administrative body. Fahy Decl. ¶¶ 1–4.

Based on the facts set forth in support of the motion and Mr. Fahy’s supporting declaration, we conclude that Petitioner has established good cause for Mr. Fahy’s *pro hac vice* admission. Mr. Fahy shall be subject to the Office’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the Office’s Rules of Professional Conduct set forth in 37 C.F.R. § 11.101 *et seq.* Furthermore, Mr. Fahy is directed to comply with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), and the Board’s Rules of Practice for Trials, as set forth in Title 37, Part 42 of the C.F.R. Mr. Fahy will be permitted to appear *pro hac vice* in the instant proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

ORDER

In consideration of the foregoing, it is

ORDERED that Petitioner’s motion for *pro hac vice* admission of Christopher J. Fahy is *granted*, and Mr. Fahy is authorized to represent Petitioner in the instant proceedings as back-up counsel only;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceedings;

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

FURTHER ORDERED that Mr. Fahy is subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and the Office’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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