

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUIZ FOOD PRODUCTS, INC.,
Petitioner,

v.

MACROPOINT LLC,
Patent Owner.

Case IPR2017-02016¹ (Patent 8,275,358 B1)
Case IPR2017-02018 (Patent 9,429,659 B1)

Before MEREDITH C. PETRAVICK, TREVOR M. JEFFERSON, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Patent Owner's
Pro Hac Vice Motions to Admit Kyle B. Fleming
37 C.F.R § 42.10

¹ We exercise our discretion to issue one order to be entered in both these proceedings. The parties are not authorized to use this style heading for subsequent papers without prior Board approval.

Case IPR2017-02016 (Patent 8,275,358 B1)

Case IPR2017-02018 (Patent 9,429,659 B1)

Patent Owner moves for admission *pro hac vice* of Kyle B. Fleming in each of the above-referenced proceedings (collectively, “Motions”). Paper 15.² Each Motion is supported by the Declaration of Kyle B. Fleming, Ex. 2006. Patent Owner represents in the Motions that Mr. Fleming is an experienced patent litigation attorney and that there is good cause for the Board to recognize Mr. Fleming *pro hac vice*. Paper 15 at 2–3. Mr. Fleming represents that he has sufficient familiarity with the subject matter of these proceedings. Ex. 2006 ¶¶ 8–11. Patent Owner represents that Petitioner does not oppose the Motions. Paper 15 at 2.

The Board has reviewed the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Fleming *pro hac vice*.

It is therefore:

ORDERED that Patent Owner’s Motions for *Pro Hac Vice* Admission of Kyle B. Fleming in each of these proceedings are *granted*;

FURTHER ORDERED that Kyle B. Fleming is authorized to represent Patent Owner as back-up counsel only in these proceedings;

FURTHER ORDERED that Patent Owner shall continue to designate a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Kyle B. Fleming shall comply with the Office Patent Trial Practice Guide including the August 2018 update and the

² The Motions and Exhibits in support of the Motions filed by Patent Owner in the two proceedings are substantively the same. We refer to the papers and exhibits filed in IPR2017-02016, unless otherwise noted.

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Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Kyle B. Fleming 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.*

Case IPR2017-02016 (Patent 8,275,358 B1)

Case IPR2017-02018 (Patent 9,429,659 B1)

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