

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EXOCAD GMBH AND EXOCAD AMERICA, INC.,
Petitioner,

v.

3SHAPE A/S,
Patent Owner.

Case IPR2018-00788
Patent 9,336,336 B2

Before SALLY C. MEDLEY, IRVIN E. BRANCH, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

BRANCH, *Administrative Patent Judge*.

ORDER

*Petitioner's Motion for Pro Hac Vice
Admission of Kevin M. Littman
37 C.F.R. § 42.10(c)*

Petitioner filed a motion for *pro hac vice* admission of Kevin M. Littman (Paper 15; “Motion”). Patent Owner does not oppose the Motion. *Id.* A Declaration of Kevin M. Littman (Ex. 1022; “Declaration”) was submitted with the Motion. 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 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 in this proceeding.

In this proceeding, lead counsel for Petitioner, Matthew B. Lowrie, a registered practitioner, filed the Motion. Motion 3. In the Motion, Petitioner states there is good cause for the Board to recognize Mr. Littman *pro hac vice* during this proceeding because he represents Petitioner in related litigation. *Id.* at 2. The Motion further asserts that Mr. Littman is familiar with the patent at issue in this proceeding and the underlying technology. *Id.* at 1–2.

In the Declaration, Mr. Littman attests that he has never been suspended or disbarred by any court or administrative body (Ex. 1022 ¶ 2), has not been denied for admission to practice before any court or administrative body (*id.* ¶ 3), and has not been sanctioned or cited for contempt by any court or administrative body (*id.* ¶ 4).

Mr. Littman further states that he has read and will comply with the Office Patent Trial Practice Guide and the Board’s rules as set for in 37

C.F.R. § 42 (*id.* ¶ 5), and agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a) (*id.* ¶ 6).

It is

ORDERED that Petitioner's Motion for *pro hac vice* admission of Kevin M. Littman is *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the instant proceeding;

FURTHER ORDERED that Mr. Littman is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Littman shall comply with the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Littman shall 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.*;

FURTHER ORDERED that Petitioner must, within ten (10) business days of the date of this Order, file an updated mandatory notice identifying Mr. Littman as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3); and

FURTHER ORDERED that Petitioner must file a Power of Attorney for Mr. Littman under 37 C.F.R. § 42.10(b), within ten (10) business days of the date of this Order.

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For PETITIONER:

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