

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOMENTUM DYNAMICS CORPORATION,
Petitioner,

v.

WITRICITY CORPORATION,
Patent Owner.

IPR2021-01116 (Patent 9,767,955 B2)
IPR2021-01127 (Patent 9,306,635 B2)
IPR2021-01165 (Patent 7,741,734 B2)¹

Before JAMESON LEE, SALLY C. MEDLEY, and SCOTT RAEVSKY,
Administrative Patent Judges.

RAEVSKY, *Administrative Patent Judge.*

ORDER

Granting Petitioner's Motions for *Pro Hac Vice* Admission of
Jeffrey G. Homrig and Blake R. Davis
37 C.F.R. § 42.10

¹ This Order applies to each of the listed cases. Given the similarities of issues, we issue one Order to be docketed in each case. The parties are not authorized to use this caption style.

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On April 28, 2022, Petitioner filed motions for *pro hac vice* admission of Jeffrey G. Homrig and Blake R. Davis in each of the above-identified proceedings (collectively, “Motions”). Paper 14, Paper 15.² Petitioner also filed declarations from Mr. Homrig and Mr. Davis in support of the Motions (collectively, “Declarations”). Ex. 1033, Ex. 1034.³ Petitioner attests that Patent Owner does not oppose the Motions. Paper 14, 1; Paper 15, 1.

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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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. See Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (“Order – Authorizing Motion for *Pro Hac Vice* Admission”) (“*Unified Patents*”).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Homrig and Mr. Davis have sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Homrig and Mr. Davis have demonstrated sufficient familiarity with the subject matter of these proceedings, that Mr. Homrig and

² For purposes of expediency, we cite to papers filed in IPR2021-01116. Petitioner filed similar Motions in IPR2021-01127 (Paper 12, Paper 13) and IPR2021-01165 (Paper 13, Paper 14).

³ We cite to exhibits filed in IPR2021-01116. Petitioner filed similar Declarations in IPR2021-01127 (Ex. 1015, Ex. 1016) and IPR2021-01165 (Ex. 1025, Ex. 1026).

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Mr. Davis meet all other requirements for admission *pro hac vice*. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Homrig and Mr. Davis. Mr. Homrig and Mr. Davis will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Upon a review of the record before us, we note that Petitioner has filed a Power of Attorney including Mr. Homrig and Mr. Davis in accordance with 37 C.F.R. § 42.10(b). Paper 1.⁴ Petitioner has also filed an updated Mandatory Notices identifying Mr. Homrig and Mr. Davis as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 17.⁵

Accordingly, it is:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Jeffrey G. Homrig and Blake R. Davis are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Homrig and Mr. Davis are authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Homrig and Mr. Davis are to comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 2019), available at

⁴ Petitioner filed a similar Power of Attorney in IPR2021-01127 (Paper 1) and IPR2021-01165 (Paper 1).

⁵ Petitioner filed a similar updated Mandatory Notices in IPR2021-01127 (Paper 15) and IPR2021-01165 (Paper 16).

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https://www.uspto.gov/TrialPracticeGuideConsolidated, and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Homrig and Mr. Davis shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct under 37 C.F.R. §§ 11.101 *et seq.*

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