

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDIVIS, INC.,
Petitioner,

v.

NOVARAD CORP.,
Patent Owner.

IPR2023-00042 (Patent 11,004,271 B2)
IPR2023-00045 (Patent 10,945,807 B2)¹

Before MIRIAM L. QUINN, PATRICK M. BOUCHER, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

RAEVSKY, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Erik Paul Belt
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

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Medivis, Inc. (“Petitioner”) filed a motion for *pro hac vice* admission of Erik Paul Belt in each of the above-listed proceedings (“Motions”).

Paper 18.² Petitioner also filed a supporting declaration from Mr. Belt.

Paper 18, 4–6.³ Patent Owner did not oppose the Motions.

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. In 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 Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

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

It is, therefore,

ORDERED that the Motion for *Pro Hac Vice* Admission of Erik Paul Belt is *granted* and Mr. Belt is authorized to represent Petitioner only as back-up counsel in the above-listed proceedings;

² All citations are to IPR2023-00042 with the understanding that the other proceeding includes papers having substantially the same content.

³ Petitioner filed the declarations as part of the Motions. We excuse this mistake on this occasion, but remind the parties that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

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FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-listed proceedings;

FURTHER ORDERED that Mr. Belt shall comply with the Office Patent Trial Practice Guide, as updated by the Consolidated Office Patent Trial Practice Guide⁴ (84 Fed. Reg. 64,280 (Nov. 21, 2019)) and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;⁵ and

FURTHER ORDERED that Mr. Belt is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).⁶

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁵ The Declaration incorrectly states that "I have read and will comply with the Office's Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of *the* C.F.R." Paper 18, 5. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations.

⁶ In the Declaration, Mr. Belt indicates he will comply with 37 C.F.R. §§ 10.20 *et seq.*, as opposed to attesting that he shall be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* See Paper 18, 5. We excuse this mistake on this occasion, noting that Mr. Belt will 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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