

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

BABYBJÖRN AB,
Petitioner,

v.

THE ERGY BABY CARRIER, INC.,
Patent Owner.

Inter Partes Review No. IPR2024-00110
U.S. Patent No. 11,786,055

**BABYBJÖRN AB'S MOTION FOR
PRO HAC VICE ADMISSION OF
ELLIOT HALES UNDER 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner BabyBjörn AB (“BabyBjörn”), by and through its attorneys, respectfully requests that the Board admit Elliot Hales *pro hac vice* in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

Further, the Board requires that a motion for *pro hac vice* admission be filed in accordance with the “ORDER-AUTHORIZING MOTION FOR PRO HAC VICE ADMISSION – 37 C.F.R. § 42.10” in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case No. IPR2013-00639 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding,” and “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;

- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§10.20 *et seq.*¹ and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

¹ The USPTO Code of Professional Responsibility in 37 C.F.R. § 10.20 *et seq.* was replaced by the USPTO Rules of Professional Conduct in 37 C.F.R. § 11.101 *et seq.*, effective May 3, 2013.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Elliot Hales submitted herewith, BabyBjörn submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Elliot Hales in this proceeding:

1. BabyBjörn's lead counsel, Mark Miller is a registered practitioner (Reg. No. 44,944).
2. BabyBjörn's backup counsel, Anthony Jones is a registered practitioner (Reg. No. 78,475).
3. Mr. Hales is a Partner at the law firm of Dorsey & Whitney, LLP ("Dorsey") and counsel of record for Petitioner, BabyBjörn AB ("BabyBjörn") in the related district court litigation, *The Ergo Baby Carrier, Inc. v. BabyBjörn AB*, No. 6:24-cv-0083 (W.D. Tex.) ("W.D. Tex. Litigation"). Mr. Hales joined Dorsey as an Associate in 2018. (Declaration of Elliot Hales in Support of BabyBjörn's Motion for *pro hac vice* Admission of Elliot Hales under 37 C.F.R. § 42.10(c).)
4. Mr. Hales is a litigation attorney with specific experience in patent law and patent law litigation. Mr. Hales has represented clients in numerous patent infringement actions across the country. (*Id.*) Mr. Hales has represented Petitioner BabyBjörn in three of its patent infringement disputes in district court and at the USITC.

5. Mr. Hales is a member in good standing of the state of Utah. (*Id.*)
6. Mr. Hales has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)
7. No application filed by Mr. Hales for admission to practice before any court or administrative body has ever been denied. (*Id.*)
8. No sanctions or contempt citations have been imposed against Mr. Hales by any court or administrative body. (*Id.*)
9. Mr. Hales has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R. (*Id.*)
10. Mr. Hales understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id.*)
11. Mr. Hales has not applied to appear *pro hac vice* in any proceedings before the United States Patent and Trademark Office in the last three (3) years. (*Id.*)
12. Mr. Hales has an established familiarity with the subject matter at issue in this, and the other related proceeding noted below. Mr. Hales has familiarity with the subject matter at issue in this proceeding and in the related W.D. Tex. Litigation in which U.S. Patent No.

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