

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DYNAMIC DRINKWARE LLC
Petitioner

v.

NATIONAL GRAPHICS, INC.
Patent Owner

Case IPR2013-00131
Patent 6,635,196

THOMAS L. GIANNETTI, *Administrative Patent Judge.*

ORDER
Decision on Motion
37 C.F.R. § 42.10

Patent Owner filed a motion for *pro hac vice* admission of Matthew R. McClean. Paper 24. Petitioner does not oppose. The 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. In authorizing motions for *pro hac vice*, 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 its motion, Patent Owner states that there is good cause for the Board to recognize Mr. McClean *pro hac vice* because Mr. McClean is an experienced litigating attorney and a member in good standing of the Wisconsin bar. In addition, the motion states that Mr. McClean has an established familiarity with the subject matter at issue in this proceeding based on his work as counsel in a district court case involving the same patent. Mr. McClean has made a declaration attesting to, and explaining, these facts. The declaration complies with the requirements set forth in the Notice.

Upon consideration, Patent Owner has demonstrated that Mr. McClean has sufficient legal and technical qualifications to represent Patent Owner in this proceeding. Moreover, the Board recognizes that there is a need for Patent Owner to have Mr. McClean be involved in this proceeding. Accordingly, Patent Owner has established that there is good cause for admitting Mr. McClean.

Attention is directed to the Office's Final Rule adopting new Rules of Professional Conduct. *See Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013)*. The Final Rule also removes Part 10 of Title 37, Code of Federal

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Regulations. The changes set forth in that Final Rule including the USPTO's Rules of Professional Conduct took effect on May 3, 2013. Therefore, Mr. McClean is subject to the USPTO's Rules of Professional Conduct that took effect May 3, 2013.

It is therefore

ORDERED that Patent Owner's motion for admission of Matthew R. McClean *pro hac vice* is granted;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. McClean is to comply with the Office Patent Trial Practice Guide 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. McClean 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.*

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