

Trials@uspto.gov
571.272.7822

IPR2017-00087, Paper No. 25;
IPR2017-00091, Paper No. 27;
IPR2017-00094, Paper No. 27;
IPR2017-00095, Paper No. 16;
IPR2017-00096, Paper No. 17
Entered: August 23, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAMPBELL SOUP COMPANY,
CAMPBELL SALES COMPANY, and
TRINITY MANUFACTURING, LLC,
Petitioner,

v.

GAMON PLUS, INC.,
Patent Owner.

Cases IPR2017-00087 (Patent 8,827,111 B2);
IPR2017-00091 (Patent D621,645 S); IPR2017-00094 (Patent D612,646 S);
IPR2017-00095 (Patent D621,644 S); IPR2017-00096 (Patent D595,074 S)¹

Before TRENTON A. WARD, BART A. GERSTENBLITH, and
ROBERT L. KINDER, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

DECISION

Granting *Pro Hac Vice* Admission of Tracy Zurzolo Quinn;
Granting Motion to Withdraw of Ira J. Levy
37 C.F.R. § 42.10

¹ We exercise our discretion to issue one Decision and Order in each of these proceedings. The parties may not use this caption style.

IPR2017-00087 (Patent 8,827,111 B2)
IPR2017-00091 (Patent D621,645 S)
IPR2017-00094 (Patent D621,646 S)
IPR2017-00095 (Patent D621,644 S)
IPR2017-00096 (Patent D595,074 S)

I. DISCUSSION

Motion for Pro Hac Vice Admission

Petitioner entities Campbell Soup Company and Campbell Sales Company (collectively, “Campbell”) filed a Motion for Tracy Zurzolo Quinn to Appear *Pro Hac Vice* (“Motion”) in each of the above-captioned proceedings. Paper 22, “Mot.”² Campbell indicates that Patent Owner Gamon Plus, Inc. would not oppose the Motion. *Id.* at 4. Campbell also filed a Declaration of Tracy Zurzolo Quinn in Support of Motion for Admission *Pro Hac Vice*. Ex. 1064 (referred to as “Exhibit A” in the Motion).

We 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.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, we require the moving party to provide a statement of facts showing that there is good cause for us to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear. Paper 22, 2 (referencing IPR2013-00639, Paper 7).

Campbell’s Motion and Ms. Quinn’s Declaration show sufficiently good cause for us to recognize her as counsel *pro hac vice*.

² Citations are to IPR2017-00087 unless otherwise indicated.

IPR2017-00087 (Patent 8,827,111 B2)
IPR2017-00091 (Patent D621,645 S)
IPR2017-00094 (Patent D621,646 S)
IPR2017-00095 (Patent D621,644 S)
IPR2017-00096 (Patent D595,074 S)

Motion to Withdraw

Ira J. Levy, counsel for Petitioner, filed a Motion to Withdraw as counsel for Petitioner entities Campbell Soup Company and Campbell Sales Company (collectively, “Campbell”) in each of the above-captioned proceedings. Paper 24. The Motions state that Campbell has retained new counsel, Reed Smith, to act on Campbell’s behalf in each of these *inter partes* review proceedings. *Id.* at 2.

The Motions indicate that new counsel will be in charge of filing Petitioner’s Reply and making Petitioner’s arguments in each of these proceedings. *Id.* We understand that Mr. Levy will remain counsel for Petitioner entity Trinity Manufacturing, L.L.C. (“Trinity”). Also, we understand that Patent Owner Gamon Plus, Inc. does not oppose the Motions.

Accordingly, we grant the Motions.

II. ORDER

It is:

ORDERED that Campbell’s unopposed Motion for *Pro Hac Vice* Admission of Tracy Zurzolo Quinn (IPR2017-00087, Paper 22; IPR2017-00091, Paper 21; IPR2017-00094, Paper 21; IPR2017-00095, Paper 14, IPR2017-00096, Paper 15) is *granted*; Ms. Quinn is authorized to represent Campbell only as back-up counsel in this proceeding;

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

IPR2017-00087 (Patent 8,827,111 B2)
IPR2017-00091 (Patent D621,645 S)
IPR2017-00094 (Patent D621,646 S)
IPR2017-00095 (Patent D621,644 S)
IPR2017-00096 (Patent D595,074 S)

FURTHER ORDERED that Ms. Quinn 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;

FURTHER ORDERED that Ms. Quinn is to 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.*; and

FURTHER ORDERED that the Motion to Withdraw (Paper 24, IPR2017-00087; Paper 26, IPR2017-00091; Paper 26, IPR2017-00094; Paper 15, IPR2017-00095; Paper 16, IPR2017-00096) is granted.

IPR2017-00087 (Patent 8,827,111 B2)
IPR2017-00091 (Patent D621,645 S)
IPR2017-00094 (Patent D621,646 S)
IPR2017-00095 (Patent D621,644 S)
IPR2017-00096 (Patent D595,074 S)

For PETITIONER ENTITIES CAMPBELL SOUP COMPANY and
CAMPBELL SALES COMPANY CAMPBELL:

Mark T. Vogelbacker
Tracy Zurzolo Quinn
REED SMITH LLP
mvogelbacker@reedsmith.com
tquinn@reedsmith.com

For PETITINER ENTITY TRINITY MANUFACTURING, LLC:

Martin B. Pavane
Darren Mogil
COZEN O'CONNOR
mpavane@cozen.com
dmogil@cozen.com

Ira Jay Levy
GOODWIN PROCTER LLP
ILevy@goodwinlaw.com

For PATENT OWNER:

Andrew L. Tiajolloff,
TIAJOLLOFF & KELLY LLP
atiajolloff@tkiplaw.com