

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

HUNTING TITAN, INC.,  
Petitioner,

v.

DYNAENERGETICS GMBH & CO. KG,  
Patent Owner.

---

IPR2018-00600  
Patent 9,581,422 B2

---

Before SCOTT R. BOALICK, *Chief Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Unopposed Motions for  
*Pro Hac Vice* Admission of Christine H. Dupriest and William R. Hubbard  
*37 C.F.R. § 42.10*

On December 18, 2019, Patent Owner filed motions for *pro hac vice* admission of Christine H. Dupriest (Paper 47) and William R. Hubbard (Paper 48) (collectively, “Motions”). Additionally, Patent Owner submitted declarations from Ms. Dupriest and from Mr. Hubbard in support of the Motions (collectively, “Declarations”).<sup>1</sup> Petitioner has not opposed the Motions.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. In authorizing a motion for *pro hac vice* admission, 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 the proceeding. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Ms. Dupriest and Mr. Hubbard have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Ms. Dupriest and Mr. Hubbard have demonstrated sufficient familiarity with the subject matter of this proceeding, and that there is a need for Patent Owner to be represented by counsel with litigation experience. Accordingly, Patent Owner has established good cause for *pro*

---

<sup>1</sup> Patent Owner filed the Declarations as part of the Motions. Affidavits and declarations must be filed separately 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.”).

*hac vice* admission of Ms. Dupriest and Mr. Hubbard. Ms. Dupriest and Mr. Hubbard will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is hereby:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Christine H. Dupriest (Paper 47) and William R. Hubbard (Paper 48) are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit Powers of Attorney for Ms. Dupriest and Mr. Hubbard in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Ms. Dupriest and Mr. Hubbard as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner must file the Declarations from Ms. Dupriest and Mr. Hubbard as separate exhibits in accordance with 37 C.F.R. § 42.63(a);

FURTHER ORDERED that Ms. Dupriest and Mr. Hubbard shall comply with the Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations;<sup>2</sup>

FURTHER ORDERED that Ms. Dupriest and Mr. Hubbard are subject to the USPTO Rules of Professional Conduct as set forth in

---

<sup>2</sup> The Declarations state that "I have 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.]." Paper 47 ¶ 6; Paper 48 ¶ 6. The Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We deem this harmless error, however, Patent Owner should correct this statement when filing the Declarations as exhibits.

IPR2018-00600  
Patent 9,581,422 B2

37 C.F.R. §§ 11.101 *et seq.* and the USPTO's disciplinary jurisdiction under  
37 C.F.R. § 11.19(a); and

FURTHER ORDERED that Patent Owner shall continue to have a  
registered practitioner as lead counsel in the instant proceeding.

IPR2018-00600  
Patent 9,581,422 B2

PETITIONER:

Jason Saunders  
jsaunders@arnold-iplaw.com

Gordon T. Arnold  
garnold@arnold-iplaw.com

Christopher P. McKeon  
cmckeon@arnold-iplaw.com

PATENT OWNER:

Barry J. Herman  
barry.herman@wbd-us.com

Preston H. Heard  
preston.heard@wbd-us.com

Lisa J. Moyles  
lmoyles@moylesip.com

Jason M. Rockman  
jrockman@moylesip.com