

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FASTENERS FOR RETAIL, INC.,
Petitioner,

v.

RTC INDUSTRIES, INC.,
Patent Owner.

Case IPR2018-00741 (Patent 9,173,505)
Case IPR2018-00742 (Patent 9,149,132)¹

Before PATRICK. R. SCANLON, MICHAEL L. WOODS, and
JASON W. MELVIN, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motions for *Pro Hac Vice* Admission of
William B. Berndt and Ron N. Sklar
37 C.F.R. § 42.10

¹ We issue one Order and enter it in each proceeding.

IPR2018-00741 (Patent 9,173,505)

IPR2018-00742 (Patent 9,149,132)

As authorized by the Notice of Filing Date Accorded to Petition (Paper 3), Petitioner filed motions for *pro hac vice* admission of William B. Berndt (“Berndt Motion,” Paper 6) and Ron N. Sklar (“Sklar Motion,” Paper 7) along with a declaration of William B. Berndt (Ex. 1026) and a biography of William B. Berndt (Ex. 1027) in support of the Berndt Motion and a declaration of Ron N. Sklar (Ex. 1028) and a biography of Ron N. Berndt (Ex. 1029) in support of the Sklar Motion.² Patent Owner did not file an opposition to the Motion.

The Motions are *granted* in each of IPR2018-00741 and IPR2018-00742. *See* 37 C.F.R. § 42.10(c); *see also* IPR2013-00639, Paper 7 (setting forth requirements for *pro hac vice* admission).³

It is

ORDERED that the Motions seeking admission *pro hac vice* for William B. Berndt and Ron N. Sklar are *granted* in proceedings IPR2018-00741 and IPR2018-00742;

FURTHER ORDERED that William B. Berndt and Ron N. Sklar may not act as lead counsel in any of these Proceedings;

FURTHER ORDERED that a registered practitioner must remain as lead counsel throughout each of the Proceedings;

FURTHER ORDERED that William B. Berndt and Ron N. Sklar are to comply with the Office Patent Trial Practice Guide and the Board’s Rules

² Our citations to Papers and Exhibits will be to those filed in IPR2018-00741. Similar Papers and Exhibits were filed in IPR2018-00742.

³ Available at <http://www.uspto.gov/patents-application-process/appealing-patent-decisions/decisions-and-opinions/representative-orders>.

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of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;⁴ and

FURTHER ORDERED that William B. Berndt and Ron N. Sklar are 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.*⁵

⁴ The declarations state that Mr. Berndt and Mr. Sklar have read and will comply “with the Office Patent Trial Practice Guide and the Board’s Rule of Practice for Trials set forth in part 42 of *the* C.F.R.” (emphasis added) Ex. 1026 ¶ 5; Ex. 1028 ¶ 5. We note, however, that the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials are set forth in Part 42 of 37 C.F.R., and it is those rules to which Mr. Berndt and Mr. Sklar will be subject. We deem this harmless error.

⁵ The declarations state that Mr. Berndt and Mr. Sklar “will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a)” rather than 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.* Ex. 1026 ¶ 6; Ex. 1028 ¶ 6. We deem this harmless error.

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