

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DTN, LLC,
Petitioner,

v.

FARMS TECHNOLOGY, LLC,
Patent Owner.

Case IPR2018-01412
Patent 7,991,685 B2

Before SCOTT C. WEIDENFELLER, *Vice Chief Administrative Patent Judge*, and GEORGE R. HOSKINS and FRANCES L. IPPOLITO, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Todd G. Vare and Deborah Pollack-Milgate
37 C.F.R. § 42.10(c)

Patent Owner filed a Motion for *pro hac vice* admission of Todd G. Vare and Deborah Pollack-Milgate (“Motion”) (Paper 9), accompanied by respective Declarations of Mr. Vare (Ex. 2006) and Ms. Pollack-Milgate (Ex. 2007) in support of the Motion. Petitioner has not opposed the Motion. For the reasons provided below, Patent Owner’s Motion is *granted*.

Under 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 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*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (“Order – Authorizing Motion for *Pro Hac Vice* Admission”)) (“representative Order”).

Based on the facts set forth in the Motion and the accompanying Declarations, we conclude that Mr. Vare and Ms. Pollack-Milgate have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, and that Mr. Vare and Ms. Pollack-Milgate have demonstrated sufficient familiarity with the subject matter of this proceeding. *See* Exs. 2006, 2007. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Vare and Ms. Pollack-Milgate.

It is, therefore,

ORDERED that Patent Owner’s Motion for *pro hac vice* admission of Todd G. Vare and Deborah Pollack-Milgate is *granted*;

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FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for this proceeding, but that Todd G. Vare and Deborah Pollack-Milgate are authorized to act as back-up counsel;

FURTHER ORDERED that Patent Owner must file a Power of Attorney for Ms. Pollack-Milgate under 37 C.F.R. § 42.10(b), within ten (10) business days of the date of this Order;

FURTHER ORDERED that Patent Owner must file an updated Mandatory Notice identifying Ms. Pollack-Milgate as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Vare and Ms. Pollack-Milgate comply with the Office Patent Trial Practice Guide, as updated by the Office Patent Trial Practice Guide August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Mr. Vare and Ms. Pollack-Milgate are 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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