

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASTEK DANMARK A/S,
Petitioner,

v.

COOLIT SYSTEMS, INC.,
Patent Owner.

IPR2020-00747 (Patent 9,057,567 B2)
IPR2020-00825 (Patent 10,274,266 B2)

Before FRANCES L. IPPOLITO, SCOTT C. MOORE, and
BRENT M. DOUGAL, *Administrative Patent Judges*.¹

MOORE, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions
for *Pro Hac Vice* Admission of Robert F. McCauley
37 C.F.R. § 42.10

¹ This Order addresses issues that are identical in each of the above-captioned proceedings. We therefore exercise our discretion to issue one Order to be filed in each proceeding. The proceedings have not been consolidated, and the Parties are not authorized to use this style heading in any subsequent papers.

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Astek Danmark A/S (“Petitioner”) filed a motion for *pro hac vice* admission of Robert F. McCauley in each of the above-captioned proceedings. Paper 17 (“Mot.,” “Motion”).² Patent Owner has not opposed the Motions. The Motions are *granted*.

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

In each Motion, Petitioner states that there is good cause for the Board to recognize Robert F. McCauley *pro hac vice* during these proceedings because he “is an experienced litigator who has an established familiarity with the subject matter at issue in the proceeding.” Mot. 1. Each Motion is supported by a declaration of Mr. McCauley (Ex. 1020, “Decl.”) that attests to the statements above and complies with the requirements set forth in the Notice. *See* Decl. ¶¶ 1–13.

Upon consideration, Petitioner has demonstrated that Mr. McCauley has sufficient legal and technical qualifications and familiarity with the subject matter at issue, and there is a need for Petitioner to have counsel with

² We cite to Papers and Exhibits in IPR2020-00747. Similar items were filed in IPR2020-00825.

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his experience. *See, e.g.*, Decl. ¶¶ 1, 3, 4, 11, 12; Mot. 1–2. Petitioner therefore has established good cause for admitting Mr. McCauley *pro hac vice* in this proceeding.

Accordingly, it is

ORDERED that Petitioner’s Motions for *pro hac vice* admission of Robert F. McCauley in the above-captioned proceedings are *granted*; Mr. McCauley is authorized to act as back-up counsel in these proceedings only;

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. McCauley as back-up counsel in each of the above-captioned proceedings in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner must file a power of attorney for Mr. McCauley in each of the above-captioned proceedings in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for these proceedings;

FURTHER ORDERED that Mr. McCauley shall comply with the Consolidated Trial Practice Guide, 84 Fed. Reg. 64,280 (Nov. 21, 2019), 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. McCauley 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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