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Paper 11
Entered: June 19, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACCO BRANDS CORPORATION and
ACCO BRANDS USA LLC,
Petitioner,

v.

THINK PRODUCTS, INC.,
Patent Owner.

Case IPR2015-01167 (Patent 8,717,758 B2)
Case IPR2015-01168 (Patent 8,837,144 B1)[1]

Before PHILLIP J. KAUFFMAN, RICHARD E. RICE, and SCOTT A. DANIELS, *Administrative Patent Judges.*

RICE, *Administrative Patent Judge.*

ORDER
Pro Hac Vice Admission of Mr. Thomas L. Duston
37 C.F.R. § 42.10

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[1] This Order addresses an issue that is identical in the two cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

INTRODUCTION

On June 8, 2015, Petitioner filed, in each of the captioned cases, a corrected Motion for *Pro Hac Vice* Admission of Mr. Thomas L. Duston (Paper 8) and an accompanying corrected Declaration in support thereof (Exhibit 1022).[2] Patent Owner did not file an opposition.

DISSCUSSION

Pursuant to 37 C.F.R. § 42.10(c), 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. In authorizing a motion for *pro hac vice* admission, we require the moving party to provide a statement of facts showing there is good cause for us to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. IPR2013-00639, Paper 7, "Order – Authorizing Motion for *Pro Hac Vice* Admission."[3]

Lead Counsel for Petitioner is Mr. Michael R. Weiner, a registered practitioner. In the Motion, Petitioner states that there is good cause for us to recognize Mr. Duston *pro hac vice* during this proceeding because he represents Petitioner in related matters against the Patent Owner. Paper 8, 3–4. The Motion further asserts that Mr. Duston has obtained detailed knowledge regarding the subject matter of the patents at issue in these proceedings. *Id.*

The Declaration of Mr. Duston filed with the Motion complies with the requirements for *pro hac vice* admission and establishes that Mr. Duston is an

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[2] For expediency, IPR2015-01167 is representative and all subsequent citations are to IPR2015-01167 unless otherwise noted.

[3] Available at http://www.uspto.gov/ip/boards/bpai/ptab_trials.jsp, "Representative Orders, Decisions, and Notices," "Other Representative Orders and Decisions"). Supersedes IPR2013-00010, "Order – Authorizing Motion for *Pro Hac Vice* Admission," Paper 8.

experienced attorney with an established familiarity with the subject matter at issue in this proceeding. Ex. 1022 (filed June 8, 2015). The Declaration acknowledges that Mr. Duston is subject to the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, set forth in Title 37, Part 42 of the Code of Federal Regulations, and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶¶ 8, 9.

Upon consideration, Petitioner has demonstrated sufficiently that Mr. Duston has sufficient legal and technical qualifications to represent Petitioner in these proceedings. Accordingly, Petitioner has established that there is good cause for admitting Mr. Duston. Mr. Duston may only be designated as backup counsel.

ORDER

It is:

ORDERED that Petitioner's Motion for *Pro Hac Vice* Admission of Mr. Thomas L. Duston is *granted*, and Mr. Duston is authorized to represent Petitioner only as back-up counsel in these proceedings;

FURTHER ORDERED that Petitioner should continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Duston is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Duston is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

PETITIONER:

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