

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLASTERS, INC,
Petitioner,

v.

WATERBLASTING, LLC,
Patent Owner.

Case IPR2018-00504
Patent 7,255,116 B2

Before JEFFREY W. ABRAHAM, MICHAEL L. WOODS, and
JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Edward F. McHale
37 C.F.R. § 42.10(c)

On October 2, 2018, Waterblasting, LLC (“Patent Owner”) filed a motion for *pro hac vice* admission of Edward F. McHale (“Motion”) (Paper 10), accompanied by a Declaration of Mr. McHale in support of the Motion. Ex. 2011. Patent Owner indicates that Petitioner does not oppose the Motion. Paper 10, 2. 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”)).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. McHale has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. McHale has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Patent Owner has established good cause for *pro hac vice* admission of Mr. McHale. *See, e.g.*, Paper 10, 2; Ex. 2011 ¶ 8.

It is, therefore,

ORDERED that Patent Owner’s Motion for *pro hac vice* admission of Edward F. McHale is *granted*;

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for this proceeding, but that Mr. McHale is authorized to act as back-up counsel;

FURTHER ORDERED that Patent Owner must file a Power of Attorney for Mr. McHale under 37 C.F.R. § 42.10(b), within ten (10) business days, and must file updated Mandatory Notices in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. McHale 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. McHale 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.*

PETITIONER:

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