

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CROWDSTRIKE, INC,
Petitioner,

v.

OPEN TEXT INC.,
Patent Owner.

IPR2022-01522 (Patent 10,284,591 B2)
IPR2023-00124 (Patent 9,578,045 B2)
IPR2023-00126 (Patent 10,257,224 B2)
IPR2023-00289 (Patent 8,418,250 B2)
IPR2023-00556 (Patent 8,726,389 B2)¹

Before PATRICK M. BOUCHER, MICHELLE N. WORMMEESTER,
GARTH D. BAER, AARON W. MOORE, and SCOTTRAEVSKY,²
Administrative Patent Judges.

MOORE, *Administrative Patent Judge.*

¹ This Order addresses issues that are the same in all above-captioned proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

² This is not an order by an expanded panel. The panel for IPR2023-00556 consists of Judges Baer, Moore, and Raevsky; the panel for each of the other proceedings consists of Judges Boucher, Wormmeester, and Moore.

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ORDER
Granting Petitioner's Motion for Admission
Pro Hac Vice of Hunter A. Horton
37 C.F.R. § 42.10

On September 21, 2023, Petitioner filed a motion requesting *pro hac vice* admission of Hunter A. Horton. Paper 21³ ("Motion"). Petitioner submitted a Declaration from Mr. Horton in support of the Motion. Ex. 1027 ("Declaration"). Patent Owner has not opposed the Motion. For the reasons provided below, we *grant* Petitioner's Motion.

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 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").

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Horton has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Horton

³ Paper and exhibit numbers refer to Proceeding IPR2022-01522. Corresponding papers and exhibits were filed in IPR2023-00124, IPR2023-00126, IPR2023-00289, and IPR2023-00556.

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has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, that Mr. Horton meets all other requirements for admission *pro hac vice*. See Ex. 1027 ¶¶ 1–9.

Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Horton.

We note that Petitioner has filed a Power of Attorney including Mr. Horton in accordance with 37 C.F.R. § 42.10(b). Paper 23. Petitioner has also filed a Mandatory Notice identifying Mr. Horton as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 22.

It is, therefore,

ORDERED that Petitioner’s Motion seeking admission *pro hac vice* for Mr. Horton is *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Mr. Horton is authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Horton comply with the Patent Trial and Appeal Board’s Consolidated Trial Practice Guide⁴ (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. Horton 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.*

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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