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Paper: 21
Entered: August 12, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PERMIAN GLOBAL INC., and MANTICORE FUELS, LLC,
Petitioner,

v.

FUEL AUTOMATION STATION, LLC,
Patent Owner.

IPR2023-01236 (Patent 10,815,118 B2)
IPR2023-01237 (Patent 9,586,805 B1)
IPR2023-01238 (Patent 10,974,955 B2)[1]

Before CARL M. DEFRANCO, RICHARD H. MARSCHALL, and BRENT M. DOUGAL, *Administrative Patent Judges.*

DOUGAL, *Administrative Patent Judge*.

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

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[1] This Order addresses issues that are identical in each of the above-identified cases. Accordingly, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers without prior authorization.

On July 31, 2024, Permian Global Inc. and Manticore Fuels, LLC (collectively "Petitioner") filed motions for admission *pro hac vice* of Katherine Corry in each of the above-identified proceedings. IPR2023-01236, Paper 21 (collectively "Motions").[2] The Motion in each case is supported by a Declaration of Ms. Corry. IPR2023-01236, Exhibit 1040 (collectively "Declarations"). Petitioner represents that "Patent Owner has indicated that they do not oppose this request" for the Board's recognition of Ms. Corry as *pro hac vice* counsel in these proceedings. Motions, 1.

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*, 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 Motions and the accompanying Declarations, we conclude that Ms. Corry has sufficient legal and technical qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Declarations ¶¶ 1–8. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Corry.

[2] For expediency, we refer to Paper and Exhibit numbers filed in IPR2023-01236. Similar Papers and Exhibits were filed in IPR2023-01237 and IPR2023-01238.

Upon review of the record before us, we note that Petitioner has filed updated Mandatory Notices identifying Ms. Corry as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 20, 2. We note, however, that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Ms. Corry in any of these proceedings. In view thereof, and for the reasons set forth below, the Motions are *conditionally granted*, and will become effective only after Petitioner files the aforementioned Power of Attorney.

It is, therefore,

ORDERED that Petitioner's Motions (IPR2023-01236, Paper 21; IPR2023-01237, Paper 19; and IPR2023-01238, Paper 21) for *pro hac vice* admission of Katherine Corry are *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner must submit a Power of Attorney for Ms. Corry in accordance with 37 C.F.R. § 42.10(b) in each of these proceedings;

FURTHER ORDERED that Ms. Corry will be authorized to act only as back-up counsel in the above-identified proceedings;

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

FURTHER ORDERED that Ms. Corry shall comply with the Consolidated Trial Practice Guide[3] (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

[3] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

FURTHER ORDERED that Ms. Corry shall be 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]

[4] Ms. Corry states that she "will be subject to the USPTO Code of Professional Responsibility" (Ex. 1040 ¶ 6), rather than the USPTO Rules of Professional Conduct. We deem this to be harmless error.

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