

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THERABODY, INC.,
Petitioner,

v.

DATAFEEL INC.,
Patent Owner.

PGR2025-00026
Patent 12,036,174 B1

Before SCOTT A. DANIELS, GEORGIANNA W. BRADEN, and
LISA L. TSANG, *Administrative Patent Judges*.

TSANG, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for
Admission *Pro Hac Vice* of Bradley M. Berg and Brett J. Williamson
37 C.F.R. § 42.10

On July 18, 2025, Petitioner filed Motions requesting Admission *Pro Hac Vice* of Bradley M. Berg and Brett J. Williamson. Paper 11; Paper 12. Petitioner submitted Declarations from Mr. Berg and Mr. Williamson in support of the Motions. Exs. 1051, 1052. Patent Owner does not oppose the Motions.

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 admission *pro hac vice*, 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, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Berg and Mr. Williamson have sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Berg and Mr. Williamson have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Berg and Mr. Williamson meet all other requirements for admission *pro hac vice*. *See* Ex. 1051, ¶¶ 1–12; Ex. 1052, ¶¶ 1–12. Accordingly, Petitioner has established good cause for admission *pro hac vice* of Mr. Berg and Mr. Williamson. Mr. Berg and Mr. Williamson will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Powers of Attorney have been submitted for Mr. Berg and Mr. Williamson in accordance with 37 C.F.R. § 42.10(b). Paper 1. Mandatory Notices have also been submitted, identifying Mr. Berg and Mr. Williamson as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 2, 1–2.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions (Paper 11, Paper 12) for admission *pro hac vice* of Bradley M. Berg and Brett J. Williamson are *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings, and that Mr. Berg and Mr. Williamson are authorized to act only as back-up counsel;

FURTHER ORDERED that Mr. Berg and Mr. Williamson be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (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. Berg and Mr. Williamson are 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. §§ 11.101–11.901.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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