

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CAPTION HEALTH, INC.,  
Petitioner,

v.

UNIVERSITY OF BRITISH COLUMBIA,  
Patent Owner.

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IPR2025-01066  
Patent 11,129,591 B2

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Before CHRISTOPHER L. OGDEN and MARY C. HOFFMAN,  
*Administrative Patent Judges.*

HOFFMAN, *Administrative Patent Judge.*

ORDER

Granting Petitioner's Motions for *Pro Hac Vice* Admission of  
Marla R. Butler and William E. Manske  
*37 C.F.R. § 42.10*

On September 9, 2025, Petitioner filed motions requesting *pro hac vice* admission of Marla R. Butler and William E. Manske. Papers 9 and 10 (collectively “Motions”). Petitioner also submitted Declarations from Marla R. Butler (Ex. 1027) and William E. Manske (Ex. 1028) in support of the Motions (collectively “Declarations”). Petitioner attests that Patent Owner does not oppose the Motions. Paper 9, 1; Paper 10, 1.

For the reasons provided below, Petitioner’s Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), the Board 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, 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* 37 C.F.R. § 42.10(c)(1); *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. Butler and Mr. Manske each have sufficient qualifications to represent Petitioner in this proceeding, that Ms. Butler and Mr. Manske have each demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and that Ms. Butler and Mr. Manske meet all other requirements for admission *pro hac vice*. *See* Exs. 1027 and 1028. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Butler and Mr.

Manske. Ms. Butler and Mr. Manske will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Petitioner filed a Power of Attorney including Ms. Butler and Mr. Manske in accordance with 37 C.F.R. § 42.10(b). Paper 2. Petitioner has also filed Mandatory Notices identifying Ms. Butler and Mr. Manske as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 5.

In consideration of the foregoing, it is hereby  
ORDERED that Petitioner's Motions for *pro hac vice* admission of Marla R. Butler and William E. Manske are *granted*;

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

FURTHER ORDERED that Ms. Butler and Mr. Manske are authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Butler and Mr. Manske be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide<sup>1</sup> (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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 Ms. Butler and Mr. Manske 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 *et seq.*

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

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