

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CENTRALSQUARE TECHNOLOGIES, LLC,
Petitioner,

v.

CARBYNE, LTD,
Patent Owner.

IPR2025-01179
Patent 11,689,383 B2

Before CHRISTOPHER L. OGDEN, FREDERICK C. LANEY, and
LISA A. MURRAY, *Administrative Patent Judges*.

LANEY, *Administrative Patent Judge*.

ORDER

Conditionally Granting Petitioner's Motion for
Pro Hac Vice Admission of Dan Sinclair
37 C.F.R. § 42.10

On March 13, 2026, Petitioner filed a motion for *pro hac vice* admission of Dan Sinclair in the above-identified proceeding (“Motion”). Paper 18. Petitioner also filed a declaration from Mr. Sinclair in support of the Motion (“Declaration”). Ex. 1010. Petitioner contends that Patent Owner does not oppose the Motion. Motion, 1.

Pursuant to 37 C.F.R. § 42.10(c), 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 3, 3 (Notice of Filing Date Accorded).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Sinclair has sufficient qualifications to represent Petitioner in this proceeding, that Mr. Sinclair has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Sinclair meets all other requirements for admission *pro hac vice*.¹ Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Sinclair.

¹ In the Declaration, Mr. Sinclair indicates compliance with the Appeal Board’s Rules of Practice (as opposed to the Appeal Board’s Rules of Practice *set forth in part 42 of 37 C.F.R.*). *See* Ex. 1010 ¶ 10. We excuse this mistake on this occasion, but remind Mr. Sinclair that the Board’s Rules of Practice for Trials are set forth in *Part 42 of 37 C.F.R.*, and it is those rules to which Mr. Sinclair will be subject.

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Sinclair. In view thereof, and for the reasons set forth below, Petitioner's Motion is *conditionally granted*, and is to be effective after Petitioner files the aforementioned Power of Attorney.

Petitioner has not filed updated mandatory notices identifying Mr. Sinclair as back-up attorney. Therefore, Petitioner must file an updated mandatory notice identifying Mr. Sinclair as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Accordingly, it is:

ORDERED that Petitioner's Motion for *pro hac vice* admission of Dan Sinclair is *conditionally granted* provided that within ten (10) business days of the date of this order, Petitioner must submit a Power of Attorney for Mr. Sinclair in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. Sinclair as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceeding, Mr. Sinclair is authorized to represent Petitioner as back-up counsel only;

FURTHER ORDERED that Mr. Sinclair be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide² (November

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2025-01179
Patent 11,689,383 B2

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 Mr. Sinclair shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct under 37 C.F.R. §§ 11.101 *et seq.*

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