

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARTSANA USA, INC.  
Petitioner

v.

KOLCRAFT ENTERPRISES, INC.  
Patent Owner

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Case IPR2014-01053  
Patent 8,388,501

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Before JAMES T. MOORE, *Administrative Patent Judge*.

**KOLCRAFT ENTERPRISES, INC. MOTION FOR *PRO HAC VICE*  
ADMISSION OF RAYMOND P. NIRO, JR.**

## I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Kolcraft Enterprises, Inc. (“Kolcraft”), by and through its attorneys, respectfully requests that the Board admit Raymond P. Niro, Jr. *pro hac vice* in this proceeding.

## II. GOVERNING LAW, RULES, AND PRECEDENT

37 C.F.R. § 42.10(c) states as follows:

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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

Further, the Board requires that a motion for *pro hac vice* admission be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceedings,” and “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;
- vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years;  
and
- viii. Familiarity with the subject matter at issue in the proceeding.

### III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Raymond P. Niro, Jr. submitted herewith, Kolcraft submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Raymond P. Niro, Jr. in this proceeding:

1. Patent Owner's lead counsel, Robert A. Conley, is a registered practitioner (Reg. No. 55,846).
2. Patent Owner's backup counsel, Brian E. Haan, is a registered practitioner (Reg. No. 62,567).
3. Mr. Niro is a partner at the law firm of Niro, Haller & Niro, Ltd. Declaration of Raymond P. Niro, Jr. in Support of Motion for *Pro Hac Vice* Admission in IPR2014-01053.
4. Mr. Niro is an experienced intellectual property litigation attorney, and particularly, patent litigation, with over twenty-two years of experience and has litigated over 100 intellectual property cases. *Id.* at ¶8.
5. Mr. Niro is a member in good standing of the Illinois State Bar. *Id.* at ¶1.
6. Mr. Niro has never been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶2.

7. No application filed by Mr. Niro for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶3.
8. No sanctions or contempt citations have been imposed against Mr. Niro by any court or administrative body. *Id.* at ¶4.
9. Mr. Niro has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of Title 37 of the C.F.R. *Id.* at ¶5.
10. Mr. Niro understands that he will be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶6.
11. Mr. Niro has sought *pro hac vice* admission in one other proceeding before the Board within the last three (3) years. Specifically, Mr. Niro sought to appear *pro hac vice* in *Inter Partes* Reexamination Control No. 95/000,514, on September 30, 2013, to represent Kolcraft Enterprises, Inc. in the oral hearing in that proceeding. Mr. Niro has not applied to appear *pro hac vice* in any other proceeding(s), other than the instant proceeding and *Inter Partes* Reexamination Control

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