

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

KOSS CORPORATION,  
Patent Owner.

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IPR2021-00255, IPR2021-00600 (Patent 10,298,451 B1)  
IPR2021-00305 (Patent 10,506,325 B1)  
IPR2021-00381 (Patent 10,491,982 B1)  
IPR2021-00592 (Patent 10,469,934 B2)<sup>1</sup>

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Before PATRICK R. SCANLON, DAVID C. MCKONE,  
GREGG I. ANDERSON, and NORMAN H. BEAMER, *Administrative  
Patent Judges.*<sup>2</sup>

PER CURIAM.

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

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<sup>1</sup> These cases have not been joined or consolidated. Rather, this Order addresses issues that are the same in the identified cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this filing style in subsequent papers.

<sup>2</sup> This is not a decision by an expanded panel.

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On November 2 and 3, 2021, Petitioner filed motions in each proceeding for *pro hac vice* admission of Seth Sproul. *See* Paper 31.<sup>3</sup> On November 17, Petitioner filed updated declarations from Mr. Sproul, in each of the instant proceedings. *See* Ex. 1121.

Having reviewed the motions and declarations, we conclude that Mr. Sproul has sufficient qualifications to represent Petitioner in these proceedings, and that Petitioner has shown good cause for admission *pro hac vice* of Mr. Sproul.<sup>4</sup> *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (Order Authorizing Motion for *Pro Hac Vice* Admission) (setting forth the requirements for *pro hac vice* admission). Mr. Sproul will be permitted to appear *pro hac vice* as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's motions for admission *pro hac vice* of Seth Sproul in these proceedings are *granted*, and Mr. Sproul is authorized to represent Petitioner only as back-up counsel;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in each proceeding;

FURTHER ORDERED that Mr. Sproul is to comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November

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<sup>3</sup> Similar papers and exhibits were filed in each proceeding.

<sup>4</sup> The Declarations each refer to "set forth in part 42 of the Code of Federal Regulations," (*see, for example*, Ex. 1021 ¶ 5), but the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37 C.F.R.* We deem this harmless error.

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2019), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>, and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Sproul is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901;

FURTHER ORDERED that Petitioner shall submit, within ten (10) business days of the date of this order, a Power of Attorney for Mr. Sproul in accordance with 37 C.F.R. § 42.10(b) in this proceeding; and

FURTHER ORDERED that Petitioner shall file an updated mandatory notice in this proceeding, according to 37 C.F.R. § 42.8(b)(3), providing updated information regarding back-up counsel.

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