

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

KOSS CORPORATION,
Patent Owner.

IPR2021-00592 (Patent 10,469,934 B2)
IPR2021-00600 (Patent 10,298,451 B1)¹

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

PER CURIAM.

ORDER

Granting Petitioner's Motions for
Pro Hac Vice Admission of Michael Pieja
37 C.F.R. § 42.10

¹ 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.

² This is not a decision by an expanded panel.

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On January 13, 2022, Petitioner filed Motions in each proceeding for *pro hac vice* admission of Michael Pieja. *See* Paper 27.³ On January 21, 2022, Petitioner filed updated Declarations from Mr. Pieja, in each of the instant proceedings. *See* Ex. 1025.⁴

Having reviewed the Motions and Declarations⁵, we conclude that Mr. Pieja has sufficient qualifications to represent Petitioner in these proceedings, and that Petitioner has shown good cause for admission *pro hac vice* of Mr. Pieja. *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. Pieja 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 Michael Pieja in these proceedings are *granted*, and Mr. Pieja 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;

³ We refer to papers filed in IPR2021-00592. Similar papers were filed in each proceeding.

⁴ We refer to exhibits filed in IPR2021-00592. Similar exhibits were filed in each proceeding.

⁵ The Declarations each refer to “set forth in part 42 of the Code of Federal Regulations,” (*see, for example*, Ex. 1025 ¶ 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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FURTHER ORDERED that Mr. Pieja is to comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 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. Pieja 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. Pieja in accordance with 37 C.F.R. § 42.10(b) in each proceeding; and

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

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