

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLKSWAGEN GROUP OF AMERICA, INC.,  
Petitioner

v.

STRATOSAUDIO, INC.,  
Patent Owner

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Case IPR2021-00716  
U.S. Patent No. 8,688,028

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**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE*  
OF HALLIE KIERNAN UNDER 37 C.F.R. § 42.10(c)**

**I. STATEMENT OF PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. §42.10(c), Patent Owner StratosAudio, Inc. (“Patent Owner”) requests that the Board admit Hallie Kiernan *pro hac vice* in this proceeding.

**II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* IN THE PROCEEDING**

Under 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 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.”

The facts, supported by the attached Declaration of Hallie Kiernan in Support of Patent Owner’s Motion for Admission *Pro Hac Vice* (“Hallie Kiernan Decl.”) establish good cause to admit Ms. Kiernan *pro hac vice* in this proceeding:

1. Lead counsel, John Scheibeler, is a registered practitioner (Reg. No. 35,346).
2. Backup counsel, Jonathan Lamberson, is a registered practitioner (Reg. No. 57,352).

3. Backup counsel, Ashley T. Brzezinski, is a registered practitioner (Reg. No. 68,651).

4. Counsel, Hallie Kiernan, is a litigating attorney with three years of experience in private practice. Hallie Kiernan Decl. at ¶ 9. *Id.* Ms. Kiernan is a member in good standing of the California State Bar. *Id.* at ¶ 1. Ms. Kiernan has experience with patent litigation, having served as counsel in complex patent litigation matters, participated in *Markman* proceedings, summary judgement pleadings, and other patent-related pleadings and hearings concerning patent invalidity and infringement issues. *Id.* at ¶ 9.

5. She is also admitted to practice in the U.S. Court of Appeals for the Federal Circuit, the U.S. District Courts for the Central, Northern and Eastern Districts of California. *Id.* at ¶ 1. She has had no suspensions or disbarments from practice, no application for admission to practice denied, nor any sanctions or contempt citations. *Id.* at ¶¶ 2-4.

6. Ms. Kiernan has previously applied to appear *pro hac vice* in docket number IPR2021-01649, IPR2021-01650, IPR2021-01650, IPR2021-01652, IPR2021-01653 and IPR2021-01654. She is concurrently applying to appear *pro hac vice* in IPR2021-00712, IPR2021-00720 and IPR2021-00721. Otherwise, Ms.

Kiernan has not applied to practice before this Board *pro hac vice* in any other proceeding. *Id.* at ¶ 7.

7. Ms. Kiernan is experienced with the subject matter and patent-at-issue in this proceeding, U.S. Patent No. 8,688,028 (the “’028 patent”), including its prosecution history and the scientific field to which the ’028 patent is addressed. *Id.* at ¶ 8. Ms. Kiernan advised Patent Owner regarding the present IPR proceeding. *Id.*

8. Ms. Kiernan has experience advising clients on the validity and infringement of patent matters, working with experts, and developing strategies related to the enforcement of many patents. *Id.* at ¶ 9.

9. Ms. Kiernan has read and will comply with the Office Patent Trial Guide and the Board’s Rules for Practices for Trials set forth in part 42 of title 37 of the Code of Federal Regulations, and she agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶¶ 5-6.

### **III. STATEMENT OF REASONS FOR THE RELIEF REQUESTED**

The facts stated above, as supported by the Declaration of Hallie Kiernan, establish that there is good cause to admit Ms. Kiernan *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Patent Owner’s Lead Counsel, John

Scheibeler, is a registered practitioner (Reg. No. 35,346). Ms. Kiernan is a litigating attorney who has familiarity with the subject matter at issue in the proceeding, including the '028 patent, the parties' written submissions, and the cited references. In view of Ms. Kiernan's knowledge of the '028 patent, parties' written submissions and cited references, admission of Ms. Kiernan will ease the burden on Patent Owner's existing lead and backup counsels in upcoming actions.

#### IV. CONCLUSION

For all of the reasons set forth above, Patent Owner respectfully requests that the Board admit Hallie Kiernan *pro hac vice* in this proceeding.

Date: December 20, 2021

Respectfully submitted,

/John Scheibeler/  
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