

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYUNDAI MOTOR AMERICA,
Petitioner,

v.

STRATOSAUDIO, INC.,
Patent Owner.

IPR2021-01267 (Patent 8,166,081 B2)
IPR2021-01303 (Patent 8,688,028 B2)
IPR2021-01305 (Patent 8,903,307 B2)¹

Before JUSTIN T. ARBES, HYUN J. JUNG, and KEVIN C. TROCK,
Administrative Patent Judges.

TROCK, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion for
Admission *Pro Hac Vice* of Hallie Kiernan
37 C.F.R. § 42.10

¹ This Order applies to each of the listed proceedings. The parties are not authorized to use this style heading for any subsequent papers.

IPR2021-01267 (Patent 8,166,081 B2)
IPR2021-01303 (Patent 8,688,028 B2)
IPR2021-01305 (Patent 8,903,307 B2)

Patent Owner filed a Motion for Admission *Pro Hac Vice* of Hallie Kiernan in each of the above-captioned proceedings. Paper 11 (“Motion”).² Patent Owner also filed a Declaration of Ms. Kiernan in support of the Motion. Ex. 2013 (“Declaration”). Petitioner did not file an opposition to the Motion. For the reasons discussed below, Patent Owner’s Motion is granted.

In accordance with 37 C.F.R. § 42.10(c), we 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. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. See Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Ms. Kiernan has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Ms. Kiernan has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Patent Owner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Kiernan. Ms. Kiernan will be permitted to serve as back-up counsel only. See 37 C.F.R.

² For purposes of expediency, we cite to the Motion and Declaration filed in IPR2021-01267, unless otherwise indicated. Patent Owner filed a similar Motion and Declaration in IPR2021-01303 and IPR2021-01305.

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§ 42.10(c).

We note that Patent Owner has submitted a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) for Ms. Kiernan. Paper 7, 2. Patent Owner's Mandatory Notices also identify Ms. Kiernan. Paper 6, 1.

Accordingly, it is

ORDERED that Patent Owner's Motion for *Pro Hac Vice* Admission of Hallie Kiernan in each of the above-captioned proceedings is *granted*;

FURTHER ORDERED that Ms. Kiernan is authorized to represent Patent Owner only as back-up counsel in the above-captioned proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in the above-captioned proceedings;

FURTHER ORDERED that Ms. Kiernan is to comply with the Consolidated Trial Practice Guide³ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Ms. Kiernan shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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