

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYUNDAI MOTOR AMERICA,
Petitioner

v.

STRATOSAUDIO, INC.,
Patent Owner

Case IPR2021-01267
U.S. Patent No. 8,166,081

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION PURSUANT
TO 37 C.F.R. §42.10(C)**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Hyundai Motor America (“Petitioner” or “Hyundai”) respectfully requests that the Board recognize Bradley M. Berg as counsel *pro hac vice* in this proceeding. Petitioner’s lead counsel in this proceeding is a registered practitioner and, as illustrated below, Mr. Berg is an experienced litigator with an established familiarity with this proceeding’s subject matter. Thus, there is good cause for the Board to recognize Mr. Berg *pro hac vice* in this proceeding.

II. TIME FOR FILING

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition. *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013).

III. STATEMENT OF FACTS

This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on July 28, 2021 (Paper No. 3). Petitioner’s lead and back-up counsel are registered practitioners.

Where lead counsel is a registered practitioner, the Board may permit a non-registered practitioner to appear *pro hac vice* “upon a showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. §42.10(c); *Unified Patents, Case*

IPR2013-00639, Paper 7 (setting forth requirements for *pro hac vice* admission).

As set forth in his Declaration submitted herewith (Ex. 1024), Mr. Berg is an experienced litigator. He is a Counsel with O'Melveny & Myers LLP with seven years of experience representing clients in patent and technology related litigation, including matters involving technology similar to that at issue in this proceeding.

Mr. Berg is familiar with the subject matter of this proceeding. He has reviewed and analyzed the patent at issue in this *inter partes* review, U.S. Patent No. 8,166,081 ("the '081 Patent") as well as the prior art at issue in this proceeding. Specifically, he has assisted Petitioner in its district court litigation, *StratosAudio, Inc. v. Hyundai Motor America*, Case No. 2:22-cv-01712-GW-PDx (C.D. Cal.), which involves the same patent and technology at issue in this IPR.

Based on his work for Petitioner in litigations and proceedings involving similar technologies, involvement with the petition in this proceeding, and the other facts detailed in his declaration, Mr. Berg has significant familiarity with the subject matter in this proceeding. Petitioner wishes to apply Mr. Berg's knowledge of the patent and litigation experience by employing him as counsel in this proceeding. Because Mr. Berg is an experienced practitioner with an established familiarity with the subject matter of this proceeding, Petitioner respectfully submits that there is good cause under 37 C.F.R. § 42.10(c) to recognize Mr. Berg as counsel *pro hac vice* during this proceeding.

IV. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This motion for *Pro Hac Vice* Admission is supported by the accompanying Declaration of Bradley M. Berg (Ex. 1024), as required by *Unified Patents*, Case IPR2013-00639, Paper 7.

March 25, 2022

Respectfully submitted,

/s/ Ryan K. Yagura

Ryan K. Yagura (Reg. No. 47,191)

O'Melveny & Myers LLP

400 South Hope Street, 18th Floor

Los Angeles, CA 90071

Telephone: (213) 430-6000

E-Mail: ryagura@omm.com

PETITIONER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,166,081 B2, issued Apr. 24, 2012 (“’081 Patent”)
1002	Declaration of Dr. Kevin Almeroth
1003	Curriculum Vitae of Dr. Kevin Almeroth
1004	Prosecution History of U.S. Patent No. 8,166,081
1005	U.S. Patent No. 5,303,393 A, issued Apr. 12, 1994 (“Noreen”)
1006	U.S. Patent No. 6,628,928 B1, issued Sept. 30, 2003 (“Crosby”)
1007	WO Publication No. 2002/067447 A2, published Aug 29, 2002 (“Ellis-2002”)
1008	U.S. Patent Publication No. 2005/0227611 A1, published Oct. 13, 2005 (“Ellis-2005”)
1009	Email from Albright Clerk, dated May 4, 2021
1010	[INTENTIONALLY LEFT BLANK]
1011	[INTENTIONALLY LEFT BLANK]
1012	[INTENTIONALLY LEFT BLANK]
1013	[INTENTIONALLY LEFT BLANK]
1014	[INTENTIONALLY LEFT BLANK]
1015	[INTENTIONALLY LEFT BLANK]
1016	[INTENTIONALLY LEFT BLANK]
1017	[INTENTIONALLY LEFT BLANK]

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.