

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HYUNDAI MOTOR AMERICA,  
Petitioner,

v.

STRATOSAUDIO, INC.,  
Patent Owner.

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IPR2021-01267 (Patent 8,166,081 B2)  
IPR2021-01303 (Patent 8,688,028 B2)  
IPR2021-01305 (Patent 8,903,307 B2)  
IPR2021-01371 (Patent 8,200,203 B1)<sup>1</sup>

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

TROCK, *Administrative Patent Judge.*

DECISION  
Granting Petitioner's Motions for *Pro Hac Vice*  
Admission of Bradley M. Berg  
*37 C.F.R. § 42.10*

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

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Petitioner filed a Motion for *pro hac vice* admission of Bradley M. Berg (Paper 15 (“Motion”)),<sup>2</sup> as well as a supporting declaration from Mr. Berg (Exhibit 1024 (“Declaration”)) in each of the above-listed proceedings. Patent Owner did not oppose the Motion within the requisite time period. For the reasons discussed below, Petitioner’s Motions are 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 Motions and the accompanying Declarations, we conclude that Mr. Berg has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Berg has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Petitioner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Berg. Mr. Berg will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

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<sup>2</sup> For purposes of expediency, we cite to Papers and Exhibits filed in IPR2021-01267. Petitioner filed a similar Motion and Exhibit in each of IPR2021-01303, IPR2021-01305, and IPR2021-01371.

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Accordingly, it is

ORDERED that Petitioner's Motion for *Pro Hac Vice* Admission of Bradley M. Berg in each of the above-captioned proceedings is granted;

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

FURTHER ORDERED that Mr. Berg is authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

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

FURTHER ORDERED that Petitioner shall submit an updated mandatory notice identifying Mr. Berg as back-up counsel in each of the above-identified proceedings, in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Berg is to comply with the Office Patent Trial Practice Guide<sup>3</sup> (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 that Mr. Berg 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.*

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

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