

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYUNDAI MOTOR AMERICA,
Petitioner

v.

STRATOSAUDIO, INC.,
Patent Owner

Case IPR2021-01303
U.S. Patent No. 8,688,028

**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. 1025), 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. 8,688,028 ("the '028 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. 1025), as required by *Unified Patents*, Case IPR2013-00639, Paper 7.

March 25, 2022

Respectfully submitted,

/s/ Ryan K. Yagura

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PETITIONER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,688,028
1002	Declaration of Dr. Kevin Almeroth
1003	Curriculum Vitae of Dr. Kevin Almeroth
1004	Prosecution History of U.S. Patent No. 8,688,028
1005	[INTENTIONALLY LEFT BLANK]
1006	U.S. Patent No. 6,628,928, Filed on December 10, 1999 (“Crosby”)
1007	[INTENTIONALLY LEFT BLANK]
1008	[INTENTIONALLY LEFT BLANK]
1009	Email from Albright Clerk, dated May 4, 2021
1010	U.S. Patent No. 6,925,489, filed on November 22, 1999 (“Curtin”)
1011	U.S. Patent No. 5,063,610, issued on November 5, 1991 (“Alwadish”)
1012	European Patent No. 0 647 377, published on April 12, 1995 (“Koerber”)
1013	[INTENTIONALLY LEFT BLANK]
1014	[INTENTIONALLY LEFT BLANK]
1015	[INTENTIONALLY LEFT BLANK]
1016	[INTENTIONALLY LEFT BLANK]
1017	[INTENTIONALLY LEFT BLANK]

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