

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KEA CLOUD, INC. & HI AUTO, INC.,  
Petitioners,

v.

VALYANT AI, INC.,  
Patent Owner.

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IPR2023-00450  
Patent 10,592,706 B2

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Before THU A. DANG, DANIEL J. GALLIGAN, and AMBER L. HAGY,  
*Administrative Patent Judges.*

HAGY, *Administrative Patent Judge.*

DECISION

Conditionally Granting Patent Owner's Motion for *Pro Hac Vice* Admission  
of Richard D. Rochford  
*37 C.F.R. § 42.10*

On April 28, 2023, Patent Owner filed a motion requesting *pro hac vice* admission of Richard D. Rochford. Paper 8 (“Motion”). Patent Owner submitted a Declaration from Mr. Rochford in support of the Motion. Ex. 2015 (“Declaration”). Petitioner did not oppose the motion.

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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See 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 Mr. Rochford has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Rochford has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Rochford meets all other requirements for admission *pro hac vice*. *See* Ex. 2015 ¶¶ 9–10. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Rochford.

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Rochford. In view thereof, and for the reasons set forth below, Patent Owner’s Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

Patent Owner also has not filed updated mandatory notices identifying Mr. Rochford as back-up attorney. Therefore, Patent Owner must file an updated mandatory notice identifying Mr. Rochford as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 8) for *pro hac vice* admission of Richard D. Rochford is *conditionally granted* provided that within ten (10) business days of the date of this Order; Patent Owner must submit a Power of Attorney for Mr. Rochford in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Mr. Rochford as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Mr. Rochford is authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Rochford comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide<sup>1</sup> (84 Fed. Reg.

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<sup>1</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

64,280 (Nov. 21, 2019)), and the Board’s Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;<sup>2</sup> and

FURTHER ORDERED that Mr. Rochford is 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>2</sup> The Declaration ¶ 6 states that “I have read . . . the Board’s Rules of Practice for Trials set forth in part 42 of *the* C.F.R.” Declaration ¶ 6 (emphasis added). The Board’s Rules of Practice for Trials, however, are set forth in Part 42 of *Title 37*, Code of Federal Regulations. (Emphasis added). We deem this to be harmless error.

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Patent 10,592,706 B2

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