

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIEMENS MOBILITY, INC.,
GROUND TRANSPORTATION SYSTEMS USA INC.,
HUMATICS CORP., and PIPER NETWORKS, INC.,
Petitioner,

v.

METROM RAIL, LLC,
Patent Owner.

IPR2023-00468 (Patent 9,043,131 B2)
IPR2023-00470 (Patent 8,812,227 B2)¹

Before JAMES P. CALVE, HYUN J. JUNG, and NEIL T. POWELL,
Administrative Patent Judges.

CALVE, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motions for Admission
Pro Hac Vice of Rajendra A. Chiplunkar
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each of these proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style heading unless later permitted.

On August 28, 2023, Patent Owner filed motions for admission *pro hac vice* of Rajendra A. Chiplunkar in each of the above-identified proceedings (collectively “Motions”). Paper 20.² Patent Owner also filed declarations of Mr. Chiplunkar in support of the Motions (collectively “Declarations”). Ex. 2003.³ Patent Owner attests that Petitioner does not oppose the Motions. Paper 20, 2. For the reasons provided below, Patent Owner’s Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner. 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 Motions and the accompanying Declarations, we conclude that Mr. Chiplunkar has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that he has sufficient litigation experience and familiarity with the subject matter of these proceedings, and that he meets all other requirements for admission *pro hac vice*. *See* Ex. 2003; Motions. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Chiplunkar.

² For expediency, we cite to Papers filed in IPR2023-00468. Patent Owner filed a similar Motion in IPR2023-00470 (Paper 21).

³ We cite to Exhibit 2003 filed in IPR2023-00468. Patent Owner filed a similar Declaration in IPR2023-00470 (Ex. 2003).

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We note that Patent Owner has filed a Power of Attorney including Mr. Chiplunkar in accordance with 37 C.F.R. § 42.10(b). IPR2023-00468, Paper 8; IPR2023-00470, Paper 9. Patent Owner also has filed Mandatory Notices identifying Mr. Chiplunkar as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-00468, Paper 7; IPR2023-00470, Paper 8.

Accordingly, it is:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Rajendra A. Chiplunkar are *granted*;

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

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

FURTHER ORDERED that Mr. Chiplunkar comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴ (84 Fed. Reg. 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;⁵ and

FURTHER ORDERED that Mr. Chiplunkar 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.*

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁵ In his Declaration, Mr. Chiplunkar indicates that he will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in *part 37 C.F.R. Section 42* (as opposed to *part 42 of 37 C.F.R.*). See Ex. 2003 ¶ 11. We understand Mr. Chiplunkar's reference to "37 C.F.R. Section 42" to refer to *Part 42* of Title 37 of the Code of Federal Regulations.

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