

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.,

Petitioners,

v.

METROM RAIL, LLC

Patent Owner.

Inter Partes Review No. IPR2023-00470
Patent 8,812,227

**PATENT OWNER'S MOTION FOR *PRO HAC VICE*
ADMISSION OF RAJENDRA A. CHIPLUNKAR**

Under 37 C.F.R. § 42.10(c), please take notice that Patent Owner, Metrom Rail, LLC (“Patent Owner” and real party in interest) respectfully requests that the Board allow Rajendra A. Chiplunkar to appear *pro hac vice* on its behalf in this proceeding, IPR2023-00470 regarding U.S. Patent No. 8,812,227 (“the ‘227 patent”).

I. THE REQUEST IS TIMELY

Pursuant to the Board’s “Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response,” dated January 26, 2003 (Paper No. 7), authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. §42.10 (c), Patent Owner Metrom Rail respectfully requests that the Board allow Rajendra A. Chiplunkar to appear *pro hac vice* on their behalf in this proceeding. Counsel for Petitioners does not oppose the relief requested in this motion.

II. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth in the Statement of Material Facts below, and as required by 37 C.F.R. §42.10(c), the Patent Owner has demonstrated good cause to admit Mr. Chiplunkar *pro hac vice* in this proceeding. In particular, Patent Owner’s lead counsel is a registered practitioner, and Mr. Chiplunkar is an experienced litigating attorney having established familiarity with the subject matter at issue in this proceeding.

Furthermore, this motion is being filed more than twenty one days after service of the petition; includes a statement of facts showing good cause for the Board to recognize Mr. Chiplunkar *pro hac vice*, and is being filed concurrently with Exhibit 2003, the Declaration of Rajendra A. Chiplunkar in Support of Patent Owner's Motion for *Pro Hac Vice* Admission of Rajendra A. Chiplunkar under 37 C.F.R. §42.10 (c) ("Chiplunkar Decl."), all in accordance with the "Order Authorizing Motion for *Pro Hac Vice* Admission" in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 at 3 (P.T.A.B. Oct. 15, 2013).

III. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. §42.10 (c) provides that "[t]he Board 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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding."

2. Gregory C. Schodde, lead counsel for Patent Owner Metrom Rail in this proceeding, is a registered practitioner holding Registration No. 36,668.

3. As set forth in the Chiplunkar Declaration, Mr. Chiplunkar is an experienced

litigating attorney. Specifically, Mr. Chiplunkar has been litigating patent cases for over ten years. Mr. Chiplunkar has been practicing law since 2013 and has extensive experience litigating patent infringement cases in district courts across the United States and before the Patent Trial and Appeal Board. Mr. Chiplunkar's experience in patent litigation matters includes examining non-expert and expert witnesses and arguing Markman hearing, patent dispositive motion proceedings, and representing client in other patent-related hearing and pleadings concerning, *inter alia*, patent validity and infringement issues.

4. Mr. Chiplunkar's experience also includes practice before the Patent Trial and Appeal Board including the representation of a client in multiple IPR proceedings through trials to final written decisions. Mr. Chiplunkar's experience before the PTAB includes offering arguments at oral hearings.

5. Mr. Chiplunkar also has an established familiarity with the precise subject Matter at issue in this proceeding. In the course of this representation, he has developed a strong familiarity with the '227 patent, its prosecution history, the general subject matter to which the '227 patent is directed, and the prior art references relied upon by the Petitioner. Additionally, Mr. Chiplunkar has thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding.

6. Mr. Chiplunkar has attested to each of the requirements set forth in paragraph

2(b)(i)-(viii) of the “Order Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper 7, at 3.

IV. CONCLUSION

In view of the foregoing, Patent Owner respectfully submits that the requirements of 37 C.F.R. §42.10(c) have been satisfied, and request an Order permitting Rajendra A. Chiplunkar to appear *pro hac vice* on its behalf in this proceeding.

Date: August 28, 2023

Respectfully submitted,

/s/ Gregory C. Schodde

Gregory C. Schodde

Reg. No. 36,668

McAndrews, Held & Malloy, Ltd.

500 West Madison Street, 34th Floor

Chicago, Illinois 60661

(312) 775-8000

(312) 775-8100

gschodde@mcandrews-ip.com

Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that on August 28, 2023, a copy of **Patent Owner's Motion for Pro Hac Vice** was served via email to the Petitioners' counsel at the following:

howard@wisnialaw.com
nspeed@wolfgreenfield.com
gnieberg-ptab@wolfgreenfield.com
vgalluzzo@crowell.com
msupko@crowell.com
jjames@crowell.com
kschmitz@crowell.com
thatcher.rahmeier@faegredrinker.com
zach.kachmer@faegredrinker.com
ncunningham@dority-manning.com
smoore@dority-manning.com

Date: August 28, 2023

/s/ Gregory C. Schodde/

Gregory C. Schodde

Reg. No. 36,668

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