Trials@uspto.gov
571-272-7822

Paper 36
Date: November 8, 2023

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 Petitioner's Motions for *Pro Hac Vice* Admission of
Nathan R. Speed, Mark M. Supko, and Nicole S. Cunningham
37 C.F.R. § 42.10

[1] This Order addresses issues that are the same in each of the above-identified proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

On October 27, 2023, Petitioner filed Motions for *Pro Hac Vice* Admission of Nathan R. Speed, Mark M. Supko, and Nicole S. Cunningham in each of the above-identified proceedings. Papers 30–32 ("Motions").[2] The Motions are supported by Declarations of Mr. Speed, Mr. Supko, and Ms. Cunningham. Exs. 1047–1049 ("Declarations"). Petitioner attests that Patent Owner does not oppose the Motions. Paper 30, 1; Paper 31, 1; Paper 32, 1.

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. Speed, Mr. Supko, and Ms. Cunningham have sufficient legal and technical qualifications to represent Petitioner in these proceedings, that they have sufficient litigation experience and familiarity with the subject matter of these proceedings, and that they meet all other requirements for admission *pro hac vice*. *See* Motions; Declarations. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Speed, Mr. Supko, and Ms. Cunningham.

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[2] For expediency, we cite to papers and exhibits in IPR2023-00468. Similar papers and exhibits were filed in IPR2023-00470 (Papers 31–33; Exs. 1047–1049).

We note that Petitioner's Powers of Attorney include Mr. Speed, Mr. Supko, and Ms. Cunningham in accordance with 37 C.F.R. § 42.10(b). *See* Papers 1–4. Petitioner's Mandatory Notices also identify Mr. Speed, Mr. Supko, and Ms. Cunningham in accordance with 37 C.F.R. § 42.8(b)(3). *See* Paper 5 (Petition), ix–x.

It is, therefore,

ORDERED that Petitioner's Motions for *Pro Hac Vice* Admission of Nathan R. Speed, Mark M. Supko, and Nicole S. Cunningham are granted; Mr. Speed, Mr. Supko, and Ms. Cunningham are authorized to act only as back-up counsel in the above-identified proceedings;

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

FURTHER ORDERED that Mr. Speed, Mr. Supko, and Ms. Cunningham are to comply with the Consolidated Trial Practice Guide[3] (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; and

FURTHER ORDERED that Mr. Speed, Mr. Supko, and Ms. Cunningham are to 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*.

[3] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

PETITIONER:

Howard Wisnia
WISNIA P.C.
howard@wisnialaw.com

Steven Moore
DORITY & MANNING, P.A.
smoore@dority-manning.com

Vincent Galluzzo
Joshua James
Kassidy Schmitz
CROWELL & MORING LLP
vgalluzzo@crowell.com
jjames@crowell.com
kschmitz@crowell.com

Greg Nieberg
WOLF GREENFIELD & SACKS, P.C.
gneiberg-ptab@wolfgreenfield.com

Thatcher Rahmeier
Zachary Kachmer
FAEGRE DRINKER BIDDLE & REATH LLP
thatcher.rahmeier@faegredinker.com
zach.kachmer@faegredrinker.com

PATENT OWNER:

Gregory Schodde
Alejandro Menchaca
Ronald Spuhler
McANDREWS, HELD & MALLOY LTD.
gschodde@mcandrews-ip.com
amenchaca@mcandrews-ip.com
rspuhler@mcandrews-ip.com