

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA OF AMERICA CORPORATION,
Petitioner

v.

ALEXANDER SOTO AND WALTER SOTO,
Patent Owners

Case: IPR2023-00960
U.S. Patent No. 8,238,754

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION
OF MARY I. RIOLO**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

Petitioner Nokia of America Corporation (“Nokia”) hereby requests that the Board recognize Mary I. Riolo as counsel *pro hac vice* for this proceeding under 37 C.F.R. § 42.10(c).

The Board may recognize counsel *pro hac vice* during a proceeding upon showing of good cause, subject to the condition that lead counsel is a registered practitioner, and any other conditions the Board may impose. 37 C.F.R. § 42.10(c). Section 42.10(c) states “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigation attorney and has an established familiarity with the subject matter at issue in the proceeding.” In this proceeding, the Board has advised Petitioner to file this motion in accordance with the additional requirements listed in “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639 (the “Order”). (IPR2022-00864, Paper No. 5). This Motion is made in furtherance of that Order. The facts here establish good cause for the Board to recognize Mary I. Riolo *pro hac vice*. Patent Owners, Alexander Soto and Walter Soto, do not oppose this motion.

I. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE*

As required by § 42.10(c), the following statement of facts demonstrates that there is good cause for the Board to recognize Ms. Mary I. Riolo *pro hac vice*.

1. Lead Counsel, M. Scott Stevens, of the Law Firm Alston & Bird LLP, is a registered practitioner having Registration Number 54,762.

2. This Motion for *Pro Hac Vice* admission is accompanied by declaration of Ms. Mary I. Riolo (“Riolo Decl.”) attesting to the facts required by the Board in *Unified Patents, Inc. v. Parallel Iron, LLC*, No. IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013). In this declaration, Ms. Riolo attests to all facts required by the Order. For example, Ms. Riolo attests that she is a member in good standing of the State Bar of North Carolina. Ex. 1039, ¶2. Ms. Riolo also attests that she has not been suspended, disbarred, had her application denied, been sanctioned, or had a contempt citation imposed on her by any court or administrative body. *Id.*, ¶¶3-4. Ms. Riolo is a litigator with particular experience with U.S. Patent No. 8,238,754 (the “’754 Patent”), having reviewed the ’754 Patent and the Petition as well as the accompanying exhibits. *Id.*, ¶¶9-10.

The ’754 Patent and other patents are currently asserted against Petitioner in pending district court litigation. Ms. Riolo is among the principal attorneys responsible for the representation of Petitioner in those co-pending litigations. *Id.* Through her role as attorney in the co-pending litigations, she has an established familiarity with the subject matter at issue in this IPR proceeding. Petitioner has expended significant resources in the co-pending litigation with Ms. Riolo as counsel, and it wishes to continue using her as counsel in this IPR proceeding.

3. Ms. Riolo is not appearing *pro hac vice* in any other proceedings before the Office. *Id.*, ¶8. Ms. Riolo has not applied to appear *pro hac vice* before the Board in any other proceedings in the last three years.

II. CONCLUSION

For the foregoing reasons, as well as the reasons contained in the attached declaration, Petitioner respectfully moves for the admission of Ms. Riolo to designate her as back-up counsel in this IPR, in view of her knowledge, familiarity, and experience with the relevant subject matter. Although Ms. Riolo is not a registered USPTO practitioner, Petitioner's undersigned lead counsel is registered.

Date: June 25, 2024

By: /M. Scott Stevens/
M. Scott Stevens
Reg. No. 54,762

CERTIFICATE OF SERVICE

The undersigned certifies that Petitioner served a copy of the foregoing MOTION FOR PRO HAC VICE ADMISSION OF MARY I. RIOLO on June 25, 2024, by filing this document through the P-TACTS Filing System as well as sending a copy via electronic service (as agreed by counsel for Patent Owners) on the following:

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Date: June 25, 2024

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