

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 Owner.

IPR2023-00960
Patent 8,238,754 B2

Before THU A. DANG, JOSIAH C. COCKS, and
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Admission Pro Hac Vice of Mary I. Riolo
37 C.F.R. § 42.10

On June 25, 2024, Petitioner filed a motion for *pro hac vice* Admission of Mary I. Riolo in the above-identified proceeding. Paper 32 (“the Motion”). The Motion is supported by a Declaration of Ms. Riolo. Exhibit 1039 (“the Declaration”). Petitioner indicates that “Patent Owners, Alexander Soto and Walter Soto, do not oppose this motion.” Motion, 1.

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 Ms. Riolo has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See Declaration* ¶¶ 1–10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Riolo.

We note that Petitioner’s Power of Attorney in accordance with 37 C.F.R. § 42.10(b) identifies Ms. Riolo. Paper 1. Ms. Riolo is also listed as backup counsel in Petitioner’s mandatory notices. Pet. 89.

It is, therefore,

ORDERED that Petitioner's Motion (Paper 32) for *pro hac vice* admission of Mary I. Riolo is *granted*;

FURTHER ORDERED that Ms. Riolo will be authorized to act only as back-up counsel in the above-identified proceeding;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel;

FURTHER ORDERED that Ms. Riolo shall comply with the Consolidated Trial Practice Guide¹ (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 Ms. Riolo 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.*²

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

² Ms. Riolo declares she will be "subject to the United States Patent and Trademark Office Rules of Professional Responsibility set forth in parts 10 and 11 of 37 C.F.R." rather than the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* Ex. 1039 ¶ 7. We deem this to be harmless error.

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