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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIANYANG BOE OPTOELECTRONICS TECHNOLOGY CO., LTD., WUHAN CHINA STAR OPTOELECTRONICS SEMICONDUCTOR DISPLAY TECHNOLOGY CO., LTD., TIANMA MICROELECTRONICS CO. LTD., and VISIONOX TECHNOLOGY, INC.,
Petitioner,

v.

SAMSUNG DISPLAY CO., LTD.,
Patent Owner.

IPR2023-00987 (Patent 9,818,803 B2)
IPR2023-00988 (Patent 10,854,683 B2)
IPR2023-01075 (Patent 11,594,578 B2)

Before JAMESON LEE, TERRENCE W. McMILLIN, and JOHN A. HUDALLA, *Administrative Patent Judges*.

PER CURIAM.

ORDER[1]
Conditionally Granting Patent Owner's Motions for *Pro Hac Vice* Admission of Daniel W. Cho, Matthew Kudzin, Kee Young Lee, and Jeffrey H. Lerner
37 C.F.R. § 42.10

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[1] The parties are not authorized to use this combined caption. These proceedings have not been consolidated.

On March 12, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Daniel W. Cho, Matthew Kudzin, Kee Young Lee, and Jeffrey H. Lerner in each of the above-identified proceedings (collectively "Motions"). Papers 12, 13, 14, and 15.[2] Patent Owner also submitted Declarations from Daniel W. Cho, Matthew Kudzin, Kee Young Lee, and Jeffrey H. Lerner (Exs. 2004, 2005, 2006, and 2007) in support of the Motions (collectively "Declarations").[3]

Patent Owner attests that Petitioner does not oppose the Motions. Papers 12, 1; 13, 1; 14, 1; and 15, 1.

For the reasons provided below, Patent Owner's Motions are *conditionally 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 be 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").

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[2] For purposes of expediency, we cite to Papers filed in IPR2023-00988. Patent Owner filed similar Motions in IPR2023-00987 (Papers 12, 14, 15, and 18) and IPR2023-01075 (Papers 13, 14, 15, and 16).

[3] We cite to Exhibits filed in IPR2023-00988. Patent Owner filed similar Declarations in IPR2023-00987 (Exs. 2004, 2005, 2006, and 2007) and IPR2023-01075 (Exs. 2005, 2006, 2007, and 2008).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner each have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. *See* Exs. 2004, 2005, 2006, and 2007. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner. Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner. Therefore, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

Patent Owner has not filed updated Mandatory Notices identifying Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Daniel W. Cho, Matthew Kudzin, Kee Young Lee, and Jeffrey H. Lerner are *conditionally granted*, provided that within ten (10) business days of the

date of this order, Patent Owner submits a Power of Attorney for Daniel W. Cho, Matthew Kudzin, Kee Young Lee, and Jeffrey H. Lerner in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated Mandatory Notice identifying Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner are authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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. Cho, Mr. Kudzin, Mr. Lee, and Mr. Lerner are 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.

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