UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE TECHNOLOGIES LLC,
Petitioner,

v.

BELDEN INC.,
Patent Owner.

Case IPR2023-01061
Patent No. 6,998,537

PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF PETER M. KOHLHEPP

Pursuant to the Notice in this case authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Petitioner CommScope Technologies LLC hereby respectfully moves for the *pro hac vice* admission of Peter M. Kohlhepp due to his experience representing Petitioner in other patent-related matters concerning communication cable technology and his familiarity with the technical and substantive issues involved in this proceeding. The parties have conferred, and the Patent Owner does not oppose this Motion.

In support of this motion, Petitioner states as follows:

The Board may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions the Board may impose. 37 C.F.R. § 42.10(c). A motion for *pro hac vice* admission may be granted where a party shows that "counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." *Id.*

Good cause exists under 37 C.F.R. § 42.10(c) for the *pro hac vice* admission of Peter M. Kohlhepp as backup co-counsel in this matter. Mr. Kohlhepp has assisted in the representation of CommScope in a related patent infringement action in the District of Delaware (Civil Action. No. 1:22-cv-00783 (RGA), filed June 13, 2022) involving the same parties and the same patent at issue in this proceeding. CommScope is simultaneously filing an unopposed motion for *pro hac vice* admission of Mr. Kohlhepp as backup co-counsel in IPR2023-01062 and IPR2023-01056 involving the same parties and related Patent Nos. 6,570,095 and 9,991,030, also asserted in the aforementioned federal court action. Mr. Kohlhepp has developed an intimate familiarity with the patents at issue, and the Petitioner wishes to have Mr. Kohlhepp continue representing it in this matter before the Board.

In addition, Mr. Kohlhepp has previously been admitted *pro hac vice* and participated in many other IPR proceedings, developing a familiarity with IPR statutes, regulations, and practice in the process.

The Petitioner has invested significant financial resources in the related proceedings described above. If this motion was denied, the Petitioner would be prejudiced because it would have to undertake the burdensome and costly task of educating another attorney regarding the patent at issue in this proceeding, and the related evidence. The Petitioner respectfully requests that the Board avoid this prejudice and grant this Motion.

Pursuant to the requirements of 37 C.F.R. § 42.10(c), Timothy A. Lindquist, a registered practitioner, will remain as lead counsel in this matter. Mr. Lindquist is a partner at Carlson Caspers, the same law firm that is representing the Petitioner in the related federal court action involving the patent at issue here, as well as the patents at issue in related *inter partes* review proceedings. Mr. Kohlhepp has worked with Mr. Lindquist on other similar matters.

Pursuant to the order in this IPR authorizing motions for *pro hac vice* and the requirements of the "Order -- Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7, this Motion is also supported by the Declaration of Peter M. Kohlhepp (Exhibit 1060), filed herewith.

In the Declaration of Peter M. Kohlhepp (Ex. 1060), Mr. Kohlhepp attests that he has read and will comply with the Patent Office Trial Practice Guide and the Board's Rules of Practice set forth in 35 C.F.R. § 42. Mr. Kohlhepp further attests that he agrees to be subject to the USPTO's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq*. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

For the foregoing reasons, and in view of the Declaration submitted herewith, Petitioner submits that good cause exists for the *pro hac vice* admission of Peter M. Kohlhepp and respectfully requests that the Board grant this motion.

Dated: February 5, 2024

Respectfully submitted,

/Dennis C. Bremer /

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and the agreement of the parties, the undersigned certifies that on February 5, 2024, a true and correct copy of the foregoing *Petitioner's Unopposed Motion for Pro Hac Vice Admission of Peter M. Kohlhepp,* along with the accompanying Exhibit 1060, was served via electronic mail upon the following:

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