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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMMSCOPE TECHNOLOGIES LLC,
Petitioner,

v.

BELDEN, INC.,
Patent Owner.

IPR2023-01056 (Patent 9,991,030 B2)
IPR2023-01061 (Patent 6,998,537 B2)
IPR2023-01062 (Patent 6,570,095 B2)[1]

Before KRISTINA M. KALAN, KIMBERLY McGRAW, and SHARON FENICK, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Peter M. Kohlhepp
37 C.F.R. § 42.10

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[1] This Order addresses issues that are the same in all above-captioned proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

On February 5, 2024, Petitioner filed a motion requesting *pro hac vice* admission of Peter M. Kohlhepp. Paper 10 ("Motion" or "Mot.").[2] Petitioner also submitted a Declaration from Mr. Kohlhepp in support of the Motion. Ex. 1046 ("Decl."). Petitioner has already submitted Powers of Attorney that identify Mr. Kohlhepp. Paper 12. Petitioner indicates the motion is unopposed. Mot. 1.

For the reasons provided below, Petitioner's Motion is *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").

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Kohlhepp has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience, and meets all other requirements for admission *pro hac vice*. *See* Decl.

[2] We refer to the Exhibit and Papers in IPR2023-01056. Similar documents were filed in the other cases.

Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Kohlhepp, who will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion for *pro hac vice* admission of Peter M. Kohlhepp is granted;

FURTHER ORDERED that Petitioner shall file updated mandatory notices in these proceedings, according to 37 C.F.R. § 42.8(b)(3), providing updated information regarding back-up counsel;

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

FURTHER ORDERED that Mr. Kohlhepp is authorized to represent Petitioner as back-up counsel only in these proceedings;

FURTHER ORDERED that Mr. Kohlhepp comply with the Patent Trial and Appeal Board 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;

FURTHER ORDERED that Mr. Kohlhepp is 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.

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