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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

JOHNSON HEALTH TECH CO., LTD.,
Patent Owner.

IPR2023-01163 (Patent 10,032,227 B2)
IPR2023-00164 (Patent 10,796,375 B2)
IPR2023-00165 (Patent 11,227,340 B2)

Before JAMES P. CALVE and BART A. GERSTENBLITH,
Administrative Patent Judges.

CALVE, *Administrative Patent Judge*.

ORDER[1]
Granting Petitioner's Motion for
Pro Hac Vice Admission of Ashlee E. Sherman
37 C.F.R. § 42.10

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[1] This Order addresses issues that are the same in each of the above-identified proceedings, so we issue one Order to be entered in each proceeding. The parties are not authorized to use this style heading.

On December 19, 2023, Petitioner filed motions requesting *pro hac vice* admission of Ms. Ashlee E. Sherman in the above-identified proceedings (collectively "Motions"). Paper 14.[2] Petitioner also submitted Declarations of Ms. Sherman (Ex. 1015) in support of these Motions (collectively "Declarations").[3] Patent Owner has not opposed the Motions. For the reasons provided below, Petitioner's Motions are *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 Motions and the accompanying Declarations, we conclude that Ms. Sherman has sufficient legal and technical qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1015. Accordingly, Petitioner has established good

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[2] For purposes of expediency, we cite to Papers filed in IPR2023-01163. Petitioner filed similar Motions in IPR2023-01164 (Paper 14) and -01165 (Paper 14).

[3] We cite to Exhibits filed in IPR2023-01163. Petitioner filed similar Declarations in IPR2023-01164 (Ex. 1015) and -01165 (Ex. 1015).

cause for *pro hac vice* admission of Ms. Sherman. Ms. Sherman will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Petitioner has filed, in accordance with 37 C.F.R. § 42.10(b), a Power of Attorney including Ms. Sherman. Paper 1.[4] Petitioner also has filed, in accordance with 37 C.F.R. § 42.8(b)(3), Mandatory Notices identifying Ms. Sherman as back-up counsel. Paper 2, 92.[5]

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion for *pro hac vice* admission of Ashlee E. Sherman is *granted*;

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

FURTHER ORDERED that Ms. Sherman is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Ms. Sherman comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[6] (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. Sherman 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.*

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[4] Petitioner filed similar Powers of Attorney in IPR2023-01164 (Paper 1) and -01165 (Paper 1).
[5] Petitioner filed similar Mandatory Notices in IPR2023-01164 (Paper 2, 87) and -01165 (Paper 2, 78–79).
[6] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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