

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WESTERN DIGITAL TECHNOLOGIES, INC.,  
Petitioner,

v.

LONGITUDE LICENSING LTD.,  
Patent Owner.

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IPR2023-01200 (Patent 7,697,369 B2)  
IPR2023-01230 (Patent 9,207,701 B2)

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Before RICHARD M. LEBOVITZ, DAVID C. McKONE, and  
KEVIN C. TROCK, *Administrative Patent Judges*.

PER CURIAM.

ORDER<sup>1</sup>

Conditionally Granting Patent Owner's Motions for *Pro Hac Vice*  
Admission of Brian D. Ledahl and Paul A. Kroeger  
*37 C.F.R. § 42.10*

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<sup>1</sup> The combined caption is for administrative convenience only and does not indicate that IPR2023-01200 and IPR2023-01230 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On February 13, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Brian D. Ledahl and Paul A. Kroeger in each of the above-identified proceedings (collectively “Motions”). Papers 8 and 9.<sup>2</sup> Patent Owner also submitted Declarations from Brian D. Ledahl (Ex. 2001) and Paul A. Kroeger (Ex. 2002) in support of the Motions (collectively “Declarations”).<sup>3</sup> Patent Owner attests that Petitioner does not oppose the Motions. Paper 8, 1; Paper 9, 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”).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Ledahl and Mr. Kroeger 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

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<sup>2</sup> For purposes of expediency, we cite to Papers filed in IPR2023-01200. Patent Owner filed similar Motions in IPR2023-01230 (Papers 9 and 10).

<sup>3</sup> We cite to Exhibits filed in IPR2023-01200. Patent Owner filed similar Declarations in IPR2023-01230 (Exs. 2001 and 2002).

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requirements for admission *pro hac vice*. See Exs. 2001 and 2002.

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

Upon a review of the record before us, we note that Patent Owner has not submitted Powers of Attorney for Mr. Ledahl and Mr. Kroeger in accordance with 37 C.F.R. § 42.10(b). In view thereof, Patent Owner's Motions are *conditionally granted*, and are to be effective after Patent Owner files the aforementioned Powers of Attorney. Patent Owner has also not submitted Mandatory Notices identifying Mr. Ledahl and Mr. Kroeger 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 Brian D. Ledahl and Paul A. Kroeger are *conditionally granted* provided that within ten (10) days of the date of this Order, Patent Owner submits Powers of Attorney, in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Mr. Ledahl and Mr. Kroeger 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. Ledahl and Mr. Kroeger are authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

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FURTHER ORDERED that Mr. Ledahl and Mr. Kroeger comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide<sup>4</sup> (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 Mr. Ledahl and Mr. Kroeger 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.*

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<sup>4</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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