

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

NEC CORPORATION,
Patent Owner.

Case IPR2023-01240
U.S. Patent No. 9,769,427

**PETITIONER'S UNOPPOSED MOTION FOR ADMISSION
PRO HAC VICE OF EMILY M. MONDRY UNDER 37 C.F.R. § 42.10**

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 9,769,427 to Taniguchi et al. (“the ’427 Patent”)
1002	Prosecution history of the ’427 Patent (U.S. Patent Application No. 13/129,756)
1003	U.S. Patent Application Publication No. 2009/0094321 A1 to Ueda et al. (“Ueda”)
1004	J. Rosenberg et al., <i>SIP: Session Initiation Protocol</i> (RFC 3261, Network Working Group, Internet Engineering Task Force, June 2002) (the “SIP Standard”)
1005	M. Handley et al., <i>SDP: Session Description Protocol</i> (RFC 4566, Network Working Group, Internet Engineering Task Force, July 2006) (the “SDP Standard”)
1006	U.S. Patent Application Publication No. 2009/0100496 A1 to Bechtolsheim et al. (“Bechtolsheim”)
1007	U.S. Patent Application Publication No. 2010/0010884 A1 to Cohee et al. (“Cohee”)
1008	Declaration of Cliff Reader, Ph.D.
1009	Scheduling Order filed on March 20, 2023 in <i>NEC Corp. v. Peloton Interactive, Inc.</i> , No. 1:22-cv-00987-CFC (U.S. District Court, District of Delaware, filed July 28, 2022)
1010	S. Bradner, <i>The Internet Standards Process – Revision 3</i> (RFC 2026, Network Working Group, October 1996) (the “Standards Process”)
1011	O. Levin, <i>The Session Description Protocol (SDP) Label Attribute</i> (RFC 4574, Network Working Group, Internet Engineering Task Force, August 2006)
1012	A. Melnikov et al., <i>Media Types</i> (Internet Assigned Numbers Authority, July 2019) (accessed at https://www.iana.org/assignments/media-types/media-types.xhtml)
1013	P. Saint-Andre, <i>Deprecating the "X-" Prefix and Similar Constructs in Application Protocols</i> (RFC 6648, Internet Engineering Task Force, June 2012)
1014	A. Makin et al., <i>Change Process for the Session Initiation Protocol (SIP)</i> (RFC 3427, Network Working Group, December 2002)

Exhibit No.	Description
1015	U.S. Patent Application Publication No. 2008/0005348 A1 to Kosiba et al.
1016	Curriculum Vitae of Cliff Reader, Ph.D.
1017	Deposition Transcript of Jeremy Cooperstock, taken on July 9, 2024
1018	Declaration of Emily M. Mondry in Support of Petitioner's Motion for Admission Pro Hac Vice ("Mondry Decl.")

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10, and in accordance with the Board's Order, Paper No. 7 in Case IPR2013-00639, and the Notice of Filing Date Accorded to Petition (Paper No. 4), Petitioner requests that the Board admit Emily M. Mondry *pro hac vice* in this proceeding. Counsel for Patent Owner has informed the undersigned that Patent Owner does not oppose this motion.

II. Statement of Facts

37 C.F.R. § 42.10(c) states that 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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts, supported by the attached Declaration of Emily M. Mondry in Support of Petitioner's Motion for Admission *Pro Hac Vice* (Ex. 1018, “Mondry Decl.”), establish good cause to admit Ms. Mondry *pro hac vice* in this proceeding.

Lead counsel, Scott C. Weidenfeller, is a registered practitioner.

Counsel, Emily M. Mondry, is an experienced litigation attorney with nearly six years in private law practice and has substantial experience with patent litigation.

Mondry Decl. at ¶ 9. Ms. Mondry has been counsel in over ten patent infringement matters, including cases pending in various district courts and the International Trade Commission. *Id.* Ms. Mondry has experience with fact and expert discovery, trials, appeals, dispositive motions, and *Markman* hearings. *Id.*

Ms. Mondry is a member in good standing of the District of Columbia Bar. *Id.* at ¶ 2. She has no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations. *Id.* at ¶¶ 3–5.

Ms. Mondry has familiarity with the subject matter and patent at issue in this proceeding, U.S. Patent No. 9,769,427 (“the ’427 Patent”), including its prosecution history and the scientific field to which the ’427 Patent is addressed. Mondry Decl. at ¶ 10. In particular, Ms. Mondry has been advising the Petitioner throughout the instant IPR proceeding, and has thereby developed a thorough understanding of the ’427 Patent, the relevant art, and scientific field. *Id.* Ms. Mondry is also familiar with the U.S. Patents and subject matter at issue in related proceeding IPR2023-01241, *id.*, and Petitioner is requesting that the Board admit Ms. Mondry *pro hac vice* in this proceeding as well.

Ms. Mondry has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in Part 42 of Title 37, C.F.R., and she agrees to be subject to the USPTO Rules of Professional Conduct

set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). Mondry Decl. at ¶¶ 6–7. Ms. Mondry has not applied to appear *pro hac vice* in any other proceeding before the Office within the last three (3) years. *Id.* at ¶ 8.

III. Analysis

The facts contained in the Statement of Facts above, and contained in the Mondry Declaration, establish that there is good cause to admit Ms. Mondry *pro hac vice* in this proceeding, under 37 C.F.R. § 42.10. Lead counsel is a registered practitioner, Ms. Mondry is an experienced litigation attorney, and Ms. Mondry has an established familiarity with the subject matter at issue in this proceeding.

IV. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board admit Emily M. Mondry *pro hac vice* in this proceeding.

Date: October 22, 2024

Respectfully submitted,

By /Scott C. Weidenfeller/

Scott C. Weidenfeller

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Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certify that the foregoing document was served by electronic mail today on the following counsel of record for Patent Owner:

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