

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTERN DIGITAL TECHNOLOGIES, INC.,
Petitioner,

v.

LONGITUDE LICENSING LTD.,
Patent Owner.

IPR2023-01286
Patent RE43,539 E

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

McKONE, *Administrative Patent Judge*.

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

Patent Owner filed Motions for *Pro Hac Vice* Admission of Brian D. Ledahl and Paul A. Kroeger. Papers 13, 14 (“Motions”). Patent Owner submitted Declarations of Brian D. Ledahl and Paul A. Kroeger in support of the Motions. Exs. 2003, 2004. Patent Owner attests that Petitioner does not oppose the Motions. Paper 13, 2; Paper 14, 2. For the reasons provided below, Patent Owner’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, Paper 7 (PTAB Oct. 15, 2013) (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 have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meet all other

requirements for admission *pro hac vice*. See Exs. 2003, 2004.¹

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).

We note that Patent Owner filed an updated Power of Attorney including Mr. Ledahl and Mr. Kroeger in accordance with 37 C.F.R. § 42.10(b). Paper 12. Patent Owner also filed updated Mandatory Notices identifying Mr. Ledahl and Mr. Kroeger as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 11.

Accordingly, it is

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Brian D. Ledahl and Paul A. Kroeger are *granted*;

¹ We note that the Declarations' lists of proceedings in which Mr. Ledahl and Mr. Kroeger have applied to appear *pro hac vice* in the last three years do not appear to be accurate. Our records show that Mr. Ledahl did not apply to appear *pro hac vice* in IPR2021-01182, IPR2021-01301, IPR2021-01396, IPR2021-01487, IPR2021-01488, IPR2022-00208, or IPR2022-00209, and that Mr. Ledahl applied to appear *pro hac vice* in IPR2020-00557 on April 14, 2021 (Paper 20), but that proceeding is not listed. See Ex. 2003. Our records also show that Mr. Kroeger has not applied to appear *pro hac vice* in IPR2022-00644, IPR2023-00680, IPR2023-00681, IPR2023-00682, IPR2023-00834, IPR2023-00835, IPR2023-00838, or IPR2024-00050, and that Mr. Kroeger applied to appear *pro hac vice* in IPR2020-00557 on April 14, 2021 (Paper 18), IPR2023-00992 on January 22, 2024 (Paper 18), and IPR2023-00993 on January 22, 2024 (Paper 20), but those proceedings are not listed. See Ex. 2004. While these discrepancies are excused in this instance, Patent Owner should make every effort to ensure accuracy going forward.

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Ledahl and Mr. Kroeger are authorized to act as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Ledahl and Mr. Kroeger comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))² 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.*

PETITIONER:

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² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.