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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HESAI TECHNOLOGY CO., LTD.,
Petitioner,

v.

OUSTER, LLC,
Patent Owner.

IPR2023-01421 (Patent 11,175,405 B2)
IPR2023-01456 (Patent 11,178,381 B2)
IPR2023-01457 (Patent 11,190,750 B2)

Before MEREDITH C. PETRAVICK, KEVIN W. CHERRY, and JON M. JURGOVAN, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

ORDER[1]
Conditionally Granting Patent Owner's Motions for
Pro Hac Vice Admission of Patrick W. Lauppe
37 C.F.R. § 42.10

[1] This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

Patent Owner filed motions requesting *pro hac vice* admission of Patrick W. Lauppe in each of the above-identified proceedings (collectively "Motions"). Paper 14.[2] Patent Owner also submitted Declarations from Mr. Lauppe in support of the Motions (collectively "Declarations"). Ex. 2009. Patent Owner states that Petitioner does not oppose the Motions. Mot. 1.

For the reasons provided below, the 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 Motion and the accompanying Declaration, we conclude that Mr. Lauppe has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that he has demonstrated sufficient familiarity with the subject matter of this proceeding, that he meets all other requirements for admission *pro hac vice*, and that Patent Owner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good

[2] For purposes of expediency, we cite to Papers and Exhibits filed in IPR2023-01421. Patent Owner filed similar Papers and Exhibits in IPR2023-01456 and IPR2023-01457.

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

Upon review of the record before us, we note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Lauppe. In view thereof, and for the reasons set forth below, Patent Owner's Motions are *conditionally granted* and are to be effective after Patent Owner files the aforementioned Power of Attorney in each of the above-identified proceedings.

In addition, Patent Owner has not filed updated mandatory notices identifying Mr. Lauppe as back-up attorney. Therefore, Patent Owner must file updated mandatory notices in each of the above-identified proceedings identifying Mr. Lauppe 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 Patrick W. Lauppe are *conditionally granted*, provided that within ten (10) business days of the date of this order, Patent Owner must submit a Power of Attorney for Mr. Lauppe in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner shall submit updated mandatory notices identifying Mr. Lauppe as back-up counsel in each of the above-identified proceedings, 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. Lauppe is authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Lauppe 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; and

FURTHER ORDERED that Mr. Lauppe 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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