

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BERKSHIRE HATHAWAY ENERGY COMPANY, INTERSTATE
POWER & LIGHT COMPANY, MIDAMERICAN ENERGY COMPANY,
PACIFICORP, WEC ENERGY GROUP, INC., AND WISCONSIN
POWER & LIGHT COMPANY,

Petitioner,

v.

BIRCHTECH CORP.,
Patent Owner.

IPR2025-00274 (Patent 10,343,114 B2)
IPR2025-00278 (Patent 10,343,114 B2)
IPR2025-00280 (Patent 10,596,517 B2)
IPR2025-00281 (Patent 10,596,517 B2)¹

Before ZHENYU YANG, CHRISTOPHER M. KAISER,
AVELYN M. ROSS, and DAVID COTTA, *Administrative Patent Judges*.

PER CURIAM.

¹ This is not an expanded panel. A three-judge panel is assigned to each proceeding, but in light of the related subject matter and convenience to the Board and parties, a consolidated order is issued for IPR2025-00274, IPR2025-00278, IPR2025-00280, and IPR2025-00281. We exercise our discretion to issue one Order to cover all proceedings. The parties are not authorized to use this style heading in any subsequent papers.

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ORDER²

Granting Patent Owner's Motions for
Pro Hac Vice Admission of Justin T. Nemunaitis and Richard Cochrane
37 C.F.R. § 42.10(c)

Patent Owner filed Motions for *pro hac vice* admission of Justin T. Nemunaitis and Richard Cochrane (Papers 11 and 12³) in each of the above-captioned proceedings. Patent Owner submitted Declarations of Justin T. Nemunaitis and Richard Cochrane (Exs. 2001 and 2002) in support of the Motions. 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. Nemunaitis and Mr. Cochrane have

² This Order addresses substantively identical motions filed in each of the above-captioned proceedings.

³ This Order cites to papers and exhibits filed in IPR2025-00274. Corresponding items were filed in IPR2025-00278, -00280, and -00281.

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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 requirements for admission *pro hac vice*. See Ex. 2001 ¶¶ 2–7, 10–14; Ex. 2002 ¶¶ 2–7, 10–14. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Nemunaitis and Mr. Cochrane. Mr. Nemunaitis and Mr. Cochrane will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

Patent Owner filed a Power of Attorney including Mr. Nemunaitis and Mr. Cochrane in accordance with 37 C.F.R. § 42.10(b). Paper 10. Patent Owner has also filed Mandatory Notices identifying Mr. Nemunaitis and Mr. Cochrane as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 9.

Accordingly, it is

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Justin T. Nemunaitis and Richard Cochrane are *granted*;

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Nemunaitis and Mr. Cochrane are authorized to act as back-up counsel only in these proceedings;

FURTHER ORDERED that Mr. Nemunaitis and Mr. Cochrane be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice

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Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))⁴ and comply with 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. Nemunaitis and Mr. Cochrane 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.*

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

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