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Paper 10
Entered: October 14, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNION ELECTRIC COMPANY,
Petitioner,

v.

BIRCHTECH CORP.,
Patent Owner.

IPR2025-01322 (Patent 10,668,430)
IPR2025-01323 (Patent 10,589,225)
IPR2025-01324 (Patent 10,933,370)[1]

Before KRISTINA M. KALAN, ZHENYU YANG, and AVELYN M. ROSS, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

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

[1] This Order addresses issues that are the same in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

On September 30, 2025, Patent Owner filed two motions requesting *pro hac vice* admission of Justin T. Nemunaitis (Paper 7) and Richard Cochrane (Paper 8) (collectively, "Motions").[2] Each Motion is supported by a corresponding declaration of Mr. Nemunaitis (Ex. 2001) and Mr. Cochrane (Ex. 2002) (collectively, "Declarations").[3] Petitioner has not opposed the Motions.

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 sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Nemunaitis and Mr. Cochrane have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Nemunaitis and Mr. Cochrane meet all other requirements for admission *pro hac vice*. *See* Ex. 2001 ¶¶ 1–14; Ex. 2002

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[2] Patent Owner filed the same Motions in IPR2025-01323 (Papers 7, 8) and IPR2025-01324 (Papers 7, 8).

[3] Patent Owner filed the same Declarations in IPR2025-01323 (Ex. 2001, 2002) and IPR2025-01324 (Ex. 2001, 2002).

¶¶ 1–14. 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 has filed a Power of Attorney including Mr. Nemunaitis and Mr. Cochrane in accordance with 37 C.F.R. § 42.10(b). Paper 6.[4] Patent Owner also has 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 5.[5]

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Justin T. Nemunaitis (Paper 7) and Richard Cochrane (Paper 8) are *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent Patent Owner as lead counsel;

FURTHER ORDERED that Mr. Nemunaitis and Mr. Cochrane are authorized to represent Patent Owner as back-up counsel only;

FURTHER ORDERED that Mr. Nemunaitis and Mr. Cochrane be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide[6] (84 Fed. Reg. 64,280 (Nov. 21, 2019)) and the Board's

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[4] Patent Owner filed the same Power of Attorney in IPR2025-01323 (Paper 6) and IPR2025-01324 (Paper 6).
[5] Patent Owner filed the same Mandatory Notices in IPR2025-01323 (Paper 5) and IPR2025-01324 (Paper 5).
[6] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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*.

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