

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NAUTILUS HYOSUNG INC.,
Petitioner,

v.

DIEBOLD, INC.,
Patent Owner.

Cases¹

CBM2016-00034 (Patent 7,314,163)

IPR2016-00529 (Patent 7,229,010)

IPR2016-00530 (Patent 7,229,010)

IPR2017-00426 (Patent 7,832,631)

Before BARBARA A. BENOIT, GEORGIANNA W. BRADEN, and
KERRY BEGLEY, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

ORDER

Petitioner's Motion for *Pro Hac Vice* Admission of
Mr. Kevin Wheeler
37 C.F.R. §§ 42.10

¹ We exercise our discretion to issue one order to be entered in each case.

CBM2016-00034 (Patent 7,314,163) IPR2016-00529 (Patent 7,229,010)
IPR2016-00530 (Patent 7,229,010) IPR2017-00426 (Patent 7,832,631)

Petitioner filed a motion for *pro hac vice* admission of Mr. Kevin Wheeler in each of the identified pending reviews. Paper 26.² Each motion was accompanied by a declaration from Mr. Wheeler in support of the motion. Exhibit 1028. Petitioner does not indicate whether Patent Owner opposes Petitioner's motions. Patent Owner, however, has not filed any opposition to the motions in the time period set forth in the Notice of Filing Date Accorded. Paper 3, 2 (authorizing filing a motion for *Pro Hac Vice* in accordance with the "Order—Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7); *see Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) ("Parties seeking to oppose a motion for *pro hac vice* admission must file their opposition no later than one week after the filing of the underlying motion.").

Having reviewed the motions and the declarations of Mr. Wheeler, we conclude that Mr. Wheeler has sufficient qualifications to represent Petitioner in these proceedings and that Petitioner has shown good cause for Mr. Wheeler *pro hac vice* admission. *See* Case IPR2013-00639, Paper 7 (setting forth the requirements for *pro hac vice* admission). Mr. Wheeler will be permitted to appear *pro hac vice* in these proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

² Representative paper and exhibit numbers refer to CBM2016-00034.

CBM2016-00034 (Patent 7,314,163) IPR2016-00529 (Patent 7,229,010)
IPR2016-00530 (Patent 7,229,010) IPR2017-00426 (Patent 7,832,631)

ORDER

It is:

ORDERED that Petitioner's motions for *pro hac vice* admission of Mr. Kevin Wheeler are granted, and Mr. Wheeler is authorized to represent Petitioner only as back-up counsel in these proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Wheeler is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Wheeler is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

CBM2016-00034 (Patent 7,314,163) IPR2016-00529 (Patent 7,229,010)
IPR2016-00530 (Patent 7,229,010) IPR2017-00426 (Patent 7,832,631)

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