

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ CORPORATION and
KEYSTONE AUTOMOTIVE INDUSTRIES, INC.,
Petitioner,

v.

GM GLOBAL TECHNOLOGY OPERATIONS LLC,
Patent Owner.

IPR2020-00064 (Patent D823,741 S)
PGR2020-00004 (Patent D840,306 S)
PGR2020-00005 (Patent D841,532 S)¹

Before JOSIAH C. COCKS, SCOTT A. DANIELS, and
ROBERT L. KINDER, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of
Joseph A. Herriges
37 C.F.R. § 42.10

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

IPR2020-00064 (Patent D823,741 S)
PGR2020-00004 (Patent D840,306 S)
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GM Global Technology Operations LLC (“Patent Owner”) filed motions for *pro hac vice* admission of Joseph A. Herriges in the above-listed proceedings (“Motions”). Paper 8.² Patent Owner also filed supporting declarations from Mr. Herriges. Ex. 2003. Patent Owner states that the Motions are unopposed. Paper 8, 1.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. See Paper 6, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

The Board has reviewed the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met, and that there is good cause to admit Mr. Herriges *pro hac vice*.

It is, therefore,

ORDERED that the Motions for Admission *Pro Hac Vice* of Joseph A. Herriges are *granted* and Mr. Herriges is authorized to represent Patent Owner only as back-up counsel in these proceedings;

² All citations are to PGR2020-00004 with the understanding that the other proceedings include papers having substantially the same substantive content.

IPR2020-00064 (Patent D823,741 S)
PGR2020-00004 (Patent D840,306 S)
PGR2020-00005 (Patent D841,532 S)

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Mr. Herriges as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that a registered practitioner will continue to represent Patent Owner as lead counsel in the above-listed proceedings;

FURTHER ORDERED that Mr. Herriges shall comply with the Office Patent Trial Practice Guide, as updated by the Consolidated Office Patent Trial Practice Guide (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;³ and

FURTHER ORDERED that that Mr. Herriges is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

³ The Declaration states that "I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of *the* Code of Federal Regulations." Ex. 2003 ¶ 5. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We understand the Declarant to be referring to those provisions.

IPR2020-00064 (Patent D823,741 S)
PGR2020-00004 (Patent D840,306 S)
PGR2020-00005 (Patent D841,532 S)

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