

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KAISER ALUMINUM,
Petitioner,

v.

CONSTELLIUM ROLLED PRODUCTS RAVENSWOOD, LLC,
Patent Owner.

Case IPR2014-01002
Patent 7,229,509 B2

JO-ANNE M. KOKOSKI, *Administrative Patent Judge.*

DECISION
Denying Without Prejudice Patent Owner's
Motion for *Pro Hac Vice* Admission of Thomas E. Lynch, III
37 C.F.R. § 42.10

Patent Owner filed a motion for *pro hac vice* admission of Thomas E. Lynch, III on February 13, 2015. Paper 23. Patent Owner also filed an affidavit of Mr. Lynch in support of its motion. Ex. 2024. Petitioner filed an opposition to Patent Owner’s motion on February 20, 2015. Paper 26. For the following reasons, the motion is *denied without prejudice*.

Patent Owner asserts that there is good cause for Mr. Lynch’s *pro hac vice* admission at least because Mr. Lynch (1) “is an experienced litigating attorney” whose practice has included environmental and business-related litigation, and (2) “has an established familiarity with the subject matter” of this proceeding. Paper 23, 3–4. In opposition, Petitioner argues that Patent Owner has not provided sufficient evidence that Mr. Lynch is familiar with the technical subject matter at issue in this proceeding, or that Mr. Lynch has reviewed the patent-at-issue or the Petition. Paper 26, 2–3.

We agree with Petitioner. Patent Owner is vague about the extent of Mr. Lynch’s experience litigating patent cases, and includes no information from which we reasonably can conclude that he has personally reviewed the patent-at-issue, the Petition, or its accompanying exhibits. Paper 23, 3–4; Ex. 2024 ¶¶ 10, 12. Under these circumstances, Mr. Lynch’s statement that he has “an established familiarity with the subject matter at issue in these proceedings” and has “acquired substantial understanding of the underlying legal and technological issues at stake in these proceedings” is inadequate to establish even minimal familiarity with the subject matter of the proceeding. Ex. 2024 ¶ 12.

We conclude that Mr. Lynch has not established sufficient legal and technical qualifications to represent Patent Owner in this proceeding, and that the criteria for *pro hac vice* admission are not satisfied. *See Unified*

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Patents, Inc. v. Parallel Iron, LLC, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission). Accordingly, Patent Owner has not established good cause for Mr. Lynch's *pro hac vice* admission.

Patent Owner is authorized to file, if it wishes, a revised motion requesting *pro hac vice* admission of Mr. Lynch, as back-up counsel only, in this proceeding.

For the foregoing reasons, it is

ORDERED that Patent Owner's Motion for Admission *Pro Hac Vice* of Mr. Lynch is denied without prejudice; and

FURTHER ORDERED that Patent Owner is authorized to file a motion correcting the above deficiencies.

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