

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QSC AUDIO PRODUCTS, LLC
Petitioner,

v.

CREST AUDIO, INC.
Patent Owner.

Case IPR2014-00127 (Patent 6,023,153)
Case IPR2014-00129 (Patent 5,652,542)
Case IPR2014-00131 (Patent 5,652,544)¹

Before GLENN J. PERRY, BRYAN F. MOORE, and MIRIAM L. QUINN,
Administrative Patent Judges.

QUINN, *Administrative Patent Judge.*

DECISION

Petitioner's Motion for *Pro Hac Vice* Admission of Kaustuv M. Das
37 C.F.R. § 42.10

¹ This Order addresses an issue pertaining to all three cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

In each of the three instant proceedings, Petitioner QSC Audio Products, LLC (“Petitioner”) filed a motion requesting *pro hac vice* admission of Mr. Kaustuv M. Das and provided a corrected declaration from Mr. Das in support of the request.² Patent Owner Crest Audio, Inc. did not file an opposition to any of the motions. For the reasons stated below, Petitioner’s motions are *granted*. As the motions and declarations in the three proceedings are substantially similar, we will refer herein to the papers filed in Case IPR2013-00127 for convenience.

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 and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.* In authorizing motions 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. Paper 7 (referencing the “Order – Authorizing Motion for *Pro Hac Vice* Admission,” Paper 7 in IPR2013-00639).

In its motions, Petitioner argues that there is good cause for Mr. Das’s *pro hac vice* admission because he is an experienced patent litigation attorney and has experience on the substantive and technical issues involved

² See IPR2014-00127, Paper 9, Ex. 1007; IPR2014-00129, Paper 9, Ex. 1014; IPR2014-00131, Paper 13, Ex. 1009.

in this proceeding. Paper 9 at 2. Specifically, Mr. Das has been admitted to appear as counsel for Petitioner in pending district court litigation, *Crest Audio, Inc., v. QSC Audio Prods.*, S.D. Miss., Case Nos. 3:12-cv-755-CWR-FKB and 3:13-cv-610 DPJ-FKB, where the patents being challenged in the instant proceedings are being asserted. *Id.* In his declaration, Mr. Das attests that:

- (1) he is “a member in good standing of the Bar[] of Washington”;
- (2) he has “not been suspended or disbarred from practice before any court or administrative body,” “never had an application for admission to practice before any court or administrative body denied,” and “[n]o sanction or contempt citation has been imposed against [him] by any court or administrative body”;
- (3) he has “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 [37] C.F.R.,” and understands that he “will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a)”;
- (4) he is an “experienced litigation attorney”; and
- (5) he is “familiar with the subject matter at issue in this proceeding” and “represent[s] QSC in *Crest Audio, Inc., v. QSC Audio Products, LLC* 3:12-CV-755 CWR FKB and also in *Crest Audio, Inc. v. QSC Audio Products, LLC* 3:13-CV-610 CWR FKB which relate to the patent in the current *Inter Partes* Review.”

Ex. 1007 ¶¶ 1-7. Also, Petitioner’s lead counsel in these proceedings, Chun M. Ng, is a registered practitioner. Paper 3 at 2; Paper 9 at 3.

Based on the facts set forth above, we conclude that Mr. Das has sufficient legal and technical qualifications to represent Petitioner in these proceedings and that there is a need for Petitioner to have its counsel in the related litigation involved in these proceedings. *See* IPR2013-00639, Paper 7, dated October 15, 2013 (setting forth the requirements for *pro hac vice*

admission). Accordingly, Petitioner has established good cause for Mr. Das's *pro hac vice* admission. Mr. Das will be permitted to appear *pro hac vice* in the instant proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's motions for *pro hac vice* admission of Kaustuv M. Das in the instant proceedings are granted and Mr. Das is authorized to represent Petitioner as back-up counsel in the instant proceedings;

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

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

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