

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC. and
SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

SMARTFLASH LLC,
Patent Owner

CBM2014-00192 (Patent 8,033,458 B2)

**PETITIONER SAMSUNG'S
MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), the Petitioner SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG ELECTRONICS CO., LTD. (“Samsung”) respectfully requests that the Board recognize Mr. Ralph A. Phillips as counsel *pro hac vice* in this proceeding. Samsung seeks the counsel of Mr. Phillips due to his experience in patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on October 6, 2014.

Statement of Facts

Mr. Phillips is a patent litigation attorney with more than 15 years of experience representing clients in cases involving consumer electronics, computer hardware and software, mobile devices and networking technologies. Mr. Phillips regularly litigates patent cases before various federal district courts and the International Trade Commission. Through his practice in such cases, Mr. Phillips has gained substantial experience in jury trials, bench trials, discovery, Markman hearings, and appeals. More particularly, as part of his practice, Mr. Phillips has conducted numerous depositions and cross examinations of technical witnesses, including experts who rendered opinions on technical issues. Mr. Phillips also has

particular experience and familiarity with the substantive and technical issues involved in Patent Office proceedings. For example, he acted as counsel *pro hac vice* representing Alarm.com in Patent Interference Proceeding No. 106,001 (HHB).

Mr. Phillips is familiar with the substantive and technical issues involved in this proceeding. He has reviewed and considered the Petition and supporting Exhibits filed by Samsung, Patent Owner's Preliminary Response, the Institution Decision, transcript of the Scheduling Conference call, and U.S. Patent No. 8,033,458. Samsung contacted counsel for Patent Owner on May 11, 2015 to inform them Samsung planned to file a motion for *Pro Hac Vice* admission for Mr. Phillips. Patent Owner's counsel stated that they would not oppose such a motion.

Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Phillips as required by the Order Authorizing Motion for *Pro Hac Vice* mailed October 6, 2014. Accordingly, Mr. Phillips submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Mr. Phillips as counsel *pro hac vice* during this proceeding.

Proceeding No.: CBM2014-00192
Attorney Docket: 39843-0005CP1

Respectfully submitted,

Date: May 14, 2015

/Thomas A. Rozylowicz/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on May 14, 2015, a complete and entire copy of this Petitioner Samsung's Motion for *Pro Hac Vice* Admission Under 37 C.F.R. § 42.10(c) was provided via email to the Patent Owner by serving the correspondence email addresses of record as follows:

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