

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAMSUNG ELECTRONICS CO., LTD.,  
MICRON TECHNOLOGY, INC., and SK HYNIX, INC.,  
Petitioner,

v.

ELM 3DS INNOVATIONS, LLC,  
Patent Owner.

---

Cases<sup>1</sup>

IPR2016-00386 (Patent 8,653,672) IPR2016-00387 (Patent 8,841,778)  
IPR2016-00388 (Patent 7,193,239) IPR2016-00389 (Patent 8,035,233)  
IPR2016-00390 (Patent 8,629,542) IPR2016-00391 (Patent 8,796,862)  
IPR2016-00393 (Patent 7,193,239) IPR2016-00394 (Patent 8,410,617)  
IPR2016-00395 (Patent 7,504,732) IPR2016-00687 (Patent 8,928,119)  
IPR2016-00691 (Patent 7,474,004) IPR2016-00703 (Patent 8,791,581)  
IPR2016-00706 (Patent 8,791,581) IPR2016-00708 (Patent 8,907,499)  
IPR2016-00770 (Patent 8,907,499) IPR2016-00786 (Patent 8,933,570)

---

Before GLENN J. PERRY, BARBARA A. BENOIT, and  
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

ORDER

Patent Owner's Motion for *Pro Hac Vice* Admission of Samuel L. Walling

37 C.F.R. § 42.10

---

<sup>1</sup> This Order addresses issues that are substantially similar in the proceedings. We exercise our discretion to issue one order to be filed in each proceeding.

IPR2016-00386 (Patent 8,653,672)	IPR2016-00387 (Patent 8,841,778)
IPR2016-00388 (Patent 7,193,239)	IPR2016-00389 (Patent 8,035,233)
IPR2016-00390 (Patent 8,629,542)	IPR2016-00391 (Patent 8,796,862)
IPR2016-00393 (Patent 7,193,239)	IPR2016-00394 (Patent 8,410,617)
IPR2016-00395 (Patent 7,504,732)	IPR2016-00687 (Patent 8,928,119)
IPR2016-00691 (Patent 7,474,004)	IPR2016-00703 (Patent 8,791,581)
IPR2016-00706 (Patent 8,791,581)	IPR2016-00708 (Patent 8,907,499)
IPR2016-00770 (Patent 8,907,499)	IPR2016-00786 (Patent 8,933,570)

On May 6, 2016, Patent Owner filed a Motion requesting the *pro hac vice* admission of Mr. Samuel L. Walling. Paper 13<sup>2</sup>. Petitioner did not file an opposition to Patent Owner's Motion.

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). 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. Lead counsel for Patent Owner is Mr. Cyrus A. Morton, a registered practitioner. Paper 13, 2.

In its Motion, Patent Owner asserts that there is good cause for Mr. Walling's *pro hac vice* admission because he is an experienced litigation attorney and has experience with the subject matter involved in this proceeding. Paper 13, 2. A Declaration of Samuel L. Walling attesting to, and sufficiently explaining, the required facts, accompanies the Motion.<sup>3</sup>

---

<sup>2</sup> Unless otherwise noted, paper numbers refer to papers filed in IPR2016-00389.

<sup>3</sup> We note that the declaration was filed as part of the Motion. The parties are reminded generally that all exhibits, including declarations, must be filed and numbered separately. See 37 C.F.R. § 42.63.

IPR2016-00386 (Patent 8,653,672)	IPR2016-00387 (Patent 8,841,778)
IPR2016-00388 (Patent 7,193,239)	IPR2016-00389 (Patent 8,035,233)
IPR2016-00390 (Patent 8,629,542)	IPR2016-00391 (Patent 8,796,862)
IPR2016-00393 (Patent 7,193,239)	IPR2016-00394 (Patent 8,410,617)
IPR2016-00395 (Patent 7,504,732)	IPR2016-00687 (Patent 8,928,119)
IPR2016-00691 (Patent 7,474,004)	IPR2016-00703 (Patent 8,791,581)
IPR2016-00706 (Patent 8,791,581)	IPR2016-00708 (Patent 8,907,499)
IPR2016-00770 (Patent 8,907,499)	IPR2016-00786 (Patent 8,933,570)

The Declaration complies with the requirements for *pro hac vice* admission and establishes that Mr. Walling is an experienced attorney with familiarity with the subject matter at issue in this proceeding. Paper 13, Decl. of Samuel L. Walling ¶¶ 1–10.

Based on the facts set forth above, we conclude that Mr. Walling has sufficient legal and technical qualifications to represent Patent Owner in this proceeding.

Accordingly, Patent Owner has established good cause for Mr. Walling's *pro hac vice* admission. Mr. Walling 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 Patent Owner's Motion for *pro hac vice* admission of Mr. Samuel Walling in the instant proceeding is granted and Mr. Walling is authorized to represent Patent Owner as back-up counsel in the instant proceeding;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Walling is to comply with the Office

---

IPR2016-00386 (Patent 8,653,672)      IPR2016-00387 (Patent 8,841,778)  
IPR2016-00388 (Patent 7,193,239)      IPR2016-00389 (Patent 8,035,233)  
IPR2016-00390 (Patent 8,629,542)      IPR2016-00391 (Patent 8,796,862)  
IPR2016-00393 (Patent 7,193,239)      IPR2016-00394 (Patent 8,410,617)  
IPR2016-00395 (Patent 7,504,732)      IPR2016-00687 (Patent 8,928,119)  
IPR2016-00691 (Patent 7,474,004)      IPR2016-00703 (Patent 8,791,581)  
IPR2016-00706 (Patent 8,791,581)      IPR2016-00708 (Patent 8,907,499)  
IPR2016-00770 (Patent 8,907,499)      IPR2016-00786 (Patent 8,933,570)

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. Walling 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).

IPR2016-00386 (Patent 8,653,672)      IPR2016-00387 (Patent 8,841,778)  
IPR2016-00388 (Patent 7,193,239)      IPR2016-00389 (Patent 8,035,233)  
IPR2016-00390 (Patent 8,629,542)      IPR2016-00391 (Patent 8,796,862)  
IPR2016-00393 (Patent 7,193,239)      IPR2016-00394 (Patent 8,410,617)  
IPR2016-00395 (Patent 7,504,732)      IPR2016-00687 (Patent 8,928,119)  
IPR2016-00691 (Patent 7,474,004)      IPR2016-00703 (Patent 8,791,581)  
IPR2016-00706 (Patent 8,791,581)      IPR2016-00708 (Patent 8,907,499)  
IPR2016-00770 (Patent 8,907,499)      IPR2016-00786 (Patent 8,933,570)

PETITIONER:

Jason Engel  
K&L Gates LLP  
jason.engel.PTAB@klgates.com

Naveen Modi  
Paul Hastings LLP  
PH-Samsung-ELM-IPR@paulhastings.com

John Kappos  
O'Melveny & Myers LLP,  
[jkappos@omm.com](mailto:jkappos@omm.com)  
PTABMICRONELM@omm.com

PATENT OWNER:

Cyrus A. Morton  
Kelsey Thorkelson  
ROBINS KAPLAN LLP  
[camorton@rkmc.com](mailto:camorton@rkmc.com)  
cmorton@robinskaplan.com  
kthorkelson@robinskaplan.com

James Carmichael  
CARMICHAEL IP, PLLC  
jim@carmichaelip.com