

Filed on behalf of Cellular Communications Equipment LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., HTC CORPORATION, HTC AMERICA, INC.,
ZTE CORPORATION, AND ZTE (USA), INC.,
Petitioners,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,
Patent Owner.

Case IPR2016-01493¹
U.S. Patent No. 8,457,676

***PRO HAC VICE* MOTION TO ADMIT ATTORNEY
JONATHAN H. RASTEGAR PURSUANT TO 37 C.F.R. § 42.10(c)**

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

¹ HTC Corporation, HTC America, Inc., ZTE Corporation, and ZTE (USA), Inc. filed a petition in (now terminated) IPR2017-01081, and have been joined to the instant proceeding.

IPR2016-01493
Patent 8,457,676

Patent Owner Cellular Communications Equipment LLC (“CCE”) hereby files this motion pursuant to 37 C.F.R. § 42.10(c) for Jonathan H. Rastegar to appear *pro hac vice* on its behalf before the Patent Trial and Appeal Board in IPR2016-001493. This Motion follows the guidelines set forth in IPR2013-00639, Paper 7, entered October 15, 2013.

I. Factual Background

CCE has already designated a registered practitioner, Terry A. Saad (Reg. No.62,492) as lead counsel, and CCE intends to designate Mr. Rastegar as one of its back-up counsel in the event that this motion is granted. The following statement of facts shows that there is good cause for the Board to recognize Mr. Rastegar *pro hac vice* during this proceeding.

Mr. Rastegar is a patent litigator with over eight years’ experience, including significant experience in the area of patent validity and invalidity. In the many patent litigations in which he has been counsel, he has worked extensively on issues relating to 35 U.S.C. §§ 101, 102, 103, and 112. Mr. Rastegar’s work includes reviewing and analyzing numerous prosecution histories, reviewing and analyzing prior art references, developing arguments for contentions, briefing for motions to dismiss, summary judgment motions, appeals, working closely with experts on their reports, conducting discovery, taking depositions, and preparing arguments for trial.

IPR2016-01493
Patent 8,457,676

Mr. Rastegar has also spent significant time learning the procedure of *inter partes* review proceedings.

Mr. Rastegar currently represents CCE in a number of pending matters before the U.S. District Court for the Eastern District of Texas, which include litigations involving U.S. Patent No. 8,457,676. *See, e.g., Cellular Communications Equipment LLC v. AT&T Inc., et al.*, C.A. No. 2:15-cv-576 (E.D. Tex. 2015) (asserting U.S. Patent No. 8,457,676); *Cellular Communications Equipment LLC v. HTC Corp., et al.*, C.A. No. 2:17-cv-078 (E.D. Tex. 2017) (asserting U.S. Patent No. 8,457,676); *Cellular Communications Equipment LLC v. ZTE Corp., et al.*, C.A. No. 2:17-cv-079 (E.D. Tex. 2017) (asserting U.S. Patent No. 8,457,676). As counsel for CCE, Mr. Rastegar has become very familiar with patents that cover technology that is similar to the technology at issue in this proceeding (e.g., cellular telephone systems). Further, Mr. Rastegar assisted in the development of arguments in support of the Patent Owner's Response and Preliminary Response in this matter, including spending time preparing and reviewing the filings.

Given Mr. Rastegar's familiarity with the underlying technology, the patent at issue, and the prior art, CCE asks that the Board grant this Motion to afford CCE the benefit of having an additional attorney authorized on this matter.

II. Attestation of Facts by Mr. Rastegar

Mr. Rastegar has submitted a declaration herewith attesting to the following facts:

- Mr. Rastegar is an attorney at the law firm Bragalone Conroy PC, located at Chase Tower, 2200 Ross Avenue, Suite 4500W, Dallas, Texas 75201.
- Mr. Rastegar is a member in good standing of the Texas State Bar.
- Mr. Rastegar has never been subject to any suspensions or disbarments from practice before any court or administrative body.
- None of Mr. Rastegar's applications for admission to practice before any court or administrative body has ever been denied.
- Mr. Rastegar has never been sanctioned nor had contempt citations imposed by any court or administrative body.
- Mr. Rastegar has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. pt. 42.
- Mr. Rastegar 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).

IPR2016-01493
Patent 8,457,676

- This is Mr. Rastegar's first application to appear *pro hac vice* in a proceeding before the Board.
- Mr. Rastegar has familiarity with the subject matter at issue in this proceeding as set forth in Section I above.

Dated: October 30, 2017

Respectfully submitted,



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