UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.,
Petitioner,

v.

POLARIS INNOVATIONS LTD.,
Patent Owner.

Case IPR2016-01622
Patent 6,850,414 B2

PATENT OWNER POLARIS INNOVATIONS LTD'S MOTION FOR *PRO HAC VICE* ADMISSION OF NATHAN NOBU LOWENSTEIN UNDER 37 C.F.R. § 42.10(c)

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U.S. Patent & Trademark Office
P.O. Box 1450
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I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date in this proceeding (Paper 3 at 2), Patent Owner Polaris Innovations LTD ("Patent Owner") respectfully requests that the Board admit Nathan Nobu Lowenstein *pro hac vice* in this proceeding as back-up counsel.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c), 37 C.F.R., provides that:

> 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. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Board has further required that a motion for *pro hac vice* admission be filed in accordance with the "Order - Authorizing Motion for *Pro Hac Vice*

Admission" entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) ("*United Patents* Order").

The *United Patents* Order requires that such motions (1) "[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding[,]" and (2) "[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:"

i. Membership in good standing of the Bar of at least one State or the District of Columbia;

ii. No suspensions or disbarments from practice before any court or administrative body;

iii. No application for admission to practice before any court or administrative body ever denied;

iv. No sanctions or contempt citations imposed by any court or administrative body;

v. The individual seeking to appear 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.;

vi. The individual will be subject to the U.S.P.T.O. 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);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Nathan Nobu Lowenstein, submitted herewith as Exhibit 2005, Patent Owner requests the *pro hac vice* admission of Nathan Nobu Lowenstein in this proceeding:

1. Patent Owner's lead counsel, Kenneth J. Weatherwax (the undersigned), is a registered practitioner (Reg. No. 54,528).
2. Mr. Lowenstein is a partner at the law firm of Lowenstein & Weatherwax LLP (Ex. 2005 ¶ 8), where Patent Owner's lead counsel Mr. Weatherwax is also a partner.
3. Mr. Lowenstein has a power of attorney from Patent Owner Polaris Innovations Limited that has been made of record in this proceeding. *See* Paper 5.
4. Mr. Lowenstein is an experienced litigator, and the majority of his practice has consisted of patent litigation and other patent related matters such as PTAB litigations. *Id*. at ¶ 9. Representative patent litigations where Mr. Lowenstein has been actively involved as patent litigation counsel include *Tessera, Inc. v. Micron Technology, Inc. et al.*, 2:05-cv-00094-JDL (E.D. Tex.); *St. Jude Medical, Inc., et al. v. Access Closure, Inc.*, 4:08-cv-04101 (W.D. Ark.); *Microprocessor*

Enhancement Corp. v. Texas Instruments Inc., 8:08-cv-01123 (C.D. Cal.); *Quantum World Corp. v. Atmel Corp. et al*., 2:07-cv-00024 (E.D. Tex.). *Id*.

5. Mr. Lowenstein's experience in post grant patent proceedings includes drafting patent owner responses, taking depositions and presenting oral arguments before the Board. *Id*. at ¶ 10. Representative matters where Mr. Lowenstein was actively involved include *Microsoft Corp. v. IpLearn Focus, LLC* (IPR2015-00095 thru -097); matters involving Maxim Integrated Products, Inc. (CBM2014-00038 thru -041, -00177 thru -00180); matters involving Solocron Media, LLC (IPR2015-00387 thru -00392, -00349 thru -00350, -00342, -00364, -00376, -00380, -00383); *Nissan North America, Inc. v. Diamond Coating Technologies, LLC* (IPR2014-01545 thru -01548); *Hyundai Motor America, Inc. et al. v. Diamond Coating Technologies, LLC* (IPR2014-01549, -01553); and *Intel Corp. v. Future Link Systems LLC* (IPR2016-01398, IPR2016-01401 and IPR2016-1402). *Id*.

6. Mr. Lowenstein has an established familiarity with the subject matter at issue in this proceeding. *Id*. at ¶ 15. Mr. Lowenstein has reviewed the Patent at issue, U.S. Patent No. 6,850,414, as well as four other

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