

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 IPR2016-01621 (Patent 6,438,057 B1)¹
Case IPR2016-01622 (Patent 6,850,414 B2)
Case IPR2016-01623 (Patent 7,315,454 B2)

Before SALLY C. MEDLEY, JEAN R. HOMERE, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION
Patent Owner's Motion for
Pro Hac Vice Admission of Nathan Nobu Lowenstein
37 C.F.R. § 42.10

¹ This order addresses issues that are the same in all identified cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

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IPR2016-01401 (Patent 6,850,414 B2)
IPR2016-01402 (Patent 7,315,454 B2)

I. INTRODUCTION

On February 16, 2017, Polaris Innovations Ltd. (“Patent Owner”) filed Motions for *Pro Hac Vice* Admission of Nathan Nobu Lowenstein. Paper 10 (“Mot.”).² Petitioner did not file an opposition. For the reasons provided below, Patent Owner’s Motions are *granted*.

II. DISCUSSION

In accordance with 37 C.F.R. § 42.10(c), we 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. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

In these proceedings, lead counsel for Patent Owner, Kenneth J. Weatherwax, is a registered practitioner. Patent Owner asserts that there is good cause for us to recognize Mr. Lowenstein *pro hac vice* in these proceedings. Mot. 7. Patent Owner’s assertions in this regard are supported by the Declaration of Mr. Lowenstein. Ex. 2007.

² For purposes of expediency, we refer to the papers filed in Case IPR2016-01621. Similar papers were filed in Case IPR2016-01622, Case IPR2016-001623.

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Mr. Lowenstein declares that he is a member in good standing of the Bar of the State of California. Ex. 2007 ¶ 1. Mr. Lowenstein also declares that he is familiar with the subject matter at issue in these proceedings.

Id. ¶ 15. The facts alleged in the Declaration of Mr. Lowenstein satisfy all the remaining requirements set forth in our representative Order authorizing motions for *pro hac vice* admission. *See id.* at ¶¶ 2–16; Mot. 3–7.

On this record, we determine that Mr. Lowenstein has sufficient legal and technical qualifications to represent Patent Owner in these proceedings. Accordingly, Patent Owner has established that there is good cause for the *pro hac vice* admission of Mr. Lowenstein in these proceedings.

III. ORDER

Accordingly, it is ORDERED that Patent Owner's Unopposed Motions for *Pro Hac Vice* Admission of Mr. Nathan Nobu Lowenstein are *granted*. Mr. Lowenstein is authorized to represent Patent Owner as back-up counsel in these proceedings only;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Lowenstein shall comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Lowenstein shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), as well as the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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