

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

QUALCOMM INCORPORATED,  
Patent Owner.

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Case IPR2018-01281  
Case IPR2018-01282<sup>1</sup>  
Patent 8,768,865 B2

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Before MICHELLE N. WORMMEESTER and AMANDA F. WIEKER,  
*Administrative Patent Judges.*

WORMMEESTER, *Administrative Patent Judge.*

ORDER

Granting Motion for *Pro Hac Vice* Admission of Noah C. Graubart  
*37 C.F.R. § 42.10*

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<sup>1</sup> This Order addresses issues that are identical in each of the identified cases. We exercise our discretion to issue this Order to be filed in each case. The parties are not authorized to use this style heading in subsequent papers.

In each of the identified cases, Petitioner has filed a motion for *pro hac vice* admission of Noah C. Graubart. Paper 11.<sup>2</sup> Each motion is supported by a declaration of Mr. Graubart. Ex. 1022. Petitioner asserts that Patent Owner does not oppose its motions. Paper 11, 1.

We have reviewed Petitioner's submissions and determine that the requirements of 37 C.F.R. § 42.10 have been met and that there is good cause to admit Mr. Graubart *pro hac vice*.<sup>3</sup>

It is, therefore,

ORDERED that Petitioner's motion for *pro hac vice* admission of Noah C. Graubart in each of the identified proceedings is *granted*;

FURTHER ORDERED that Mr. Graubart is authorized to appear as back-up counsel for Petitioner in the identified proceedings, but Mr. Graubart may not act as lead counsel;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the identified proceedings;

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<sup>2</sup> Paper and exhibit numbers refer to Case IPR2018-01281. Corresponding motions and declarations were filed in each of the cases.

<sup>3</sup> According to the Board's representative decision in *Unified Patents, Inc. v. Parallel Iron, LLC*, Mr. Graubart's declaration must provide a statement acknowledging that he 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. IPR2013-00639, Paper 7, 3 (PTAB Oct. 15, 2013). In his declaration, Mr. Graubart incorrectly cites "part 42 of the Code of Federal Regulations." Ex. 1022, 3. We presume this citation to be a typographical error. Pursuant to this Order, by appearing *pro hac vice* in the identified proceedings, Mr. Graubart agrees to comply with part 42 of 37 C.F.R.

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FURTHER ORDERED that Mr. Graubart is to 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;

FURTHER ORDERED that Mr. Graubart is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*; and

FURTHER ORDERED that Petitioner shall file updated mandatory notices in the identified proceedings, pursuant to 37 C.F.R. § 42.8(b)(3), providing updated information regarding back-up counsel.

PETITIONER:

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