

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

QUALCOMM INCORPORATED,
Patent Owner

Case IPR2018-01315; IPR2018-01316
U.S. Patent No. 8,063,674

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
JENNIFER L. SWIZE**

1. INTRODUCTION AND PRECISE RELIEF REQUESTED

Qualcomm Incorporated (“Patent Owner”) requests that the Board recognize Jennifer L. Swize as counsel *pro hac vice* during these two proceedings related to the same U.S. Patent No. 8,063,674. This motion was authorized in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response in each of the respective matters. Counsel for Petitioner has indicated that it does not plan to oppose Ms. Swize’s admission *pro hac vice*. Because this motion meets all of the Board’s requirements, Patent Owner requests that the Board grant this motion.

2. STATEMENT OF FACTS

Patent Owner has been authorized to file motions seeking admission *pro hac vice* under 37 C.F.R. §42.10(c). Patent Owner’s lead counsel and back-up counsel are registered practitioners. As set forth in the accompanying declaration, Ms. Swize is an attorney at Jones Day. (Swize Dec. at ¶ 2.) She is an experienced litigating attorney with more than 17 years of experience and has served as counsel in numerous patent infringement lawsuits before several district courts and before the U.S. Court of Appeals for the Federal Circuit, including as counsel for Patent Owner in its Federal Circuit appeal in this matter (Appeal No. 20-1558, -1559). (*Id.*)

Ms. Swize has an established familiarity with the subject matter at issue in this proceeding. (*Id.* at ¶ 8.) Ms. Swize has reviewed the patent-at-issue U.S. Patent No. 8,063,674 (“the ’674 patent”) and other papers associated with this matter. (*Id.*)

In addition, Ms. Swize is a member in good standing of the Bar of the District of Columbia. (*Id.* at ¶ 1.) She has never been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶ 3.) She has never had an application for admission to practice before any court or administrative body denied. (*Id.* at ¶ 4.) She has never had sanctions or contempt citations imposed by any court or administrative body. (*Id.* at ¶ 5.) She 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 title 37 of the Code of Federal Regulations. (*Id.* at ¶ 6.) She agrees to 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). (*Id.* at ¶ 7.)

3. REASONS FOR GRANTING THE 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). For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon showing that counsel who is seeking

pro hac vice admission is “an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” (*Id.*) The motion for *pro hac vice* admission must contain a statement of facts showing good cause and be accompanied by a declaration of the individual who is seeking admission. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper No. 7 at 3-4 (PTAB, Oct. 15, 2013). The declaration in turn must contain certain attestations. (*Id.*)

This motion and the accompanying declaration meet all of the Board’s requirements. The lead counsel in this proceeding, Joseph Sauer, is a registered practitioner. Ms. Swize is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding. (*See Swize Dec.* at ¶¶ 2, 8.) Ms. Swize’s declaration makes the necessary attestations. (*Id.* at ¶ 10.)

4. CONCLUSION

For the foregoing reasons, Patent Owner submits that there is good cause for the Board to recognize Ms. Swize as counsel *pro hac vice* in this proceeding.

Respectfully submitted,

Date: September 20, 2022

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing pro hac motion for Jennifer L. Swize and its accompanying declaration was served via email on the date below, upon the following:

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September 20, 2022

/Matthew W. Johnson /
Counsel for Patent Owner