

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,

Petitioner

v.

UUSI, LLC dba NARTRON

Patent Owner

Cases IPR2019-00355; IPR2019-00356; IPR2019-00357; IPR2019-00358; IPR2019-00359; and IPR2019-00360

Patent No. 5,796,183

**PATENT OWNER'S MOTION FOR
PRO HAC VICE ADMISSION OF LAWRENCE M. HADLEY**

EXHIBITS

EX. #	Exhibit Description
UUSI2001	Declaration of Lawrence M. Hadley in support of patent owner's motion for <i>pro hac vice</i> admission

Patent Owner UUSI, LLC d/b/a/ Nartron (“UUSI” or “Patent Owner”) respectfully requests that the Board recognize and admit Lawrence M. Hadley as counsel *pro hac vice* to represent UUSI during the above-captioned proceeding. This motion is authorized by the Notice of Filing Date that was mailed on January 9, 2019. The bases and support for UUSI’s requests are as follows.

I. TIMING OF UUSI'S REQUEST.

UUSI’s motion is being filed no sooner than twenty-one (21) days after the service of the petition.

II. GOOD CAUSE BASIS FOR UUSI'S REQUEST.

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner and a declaration of the party seeking admission is included with the Request. 37 C.F.R. § 42.10(c). Good cause has been shown where, for example, the attorney for which *pro hac vice* admission is sought is an experienced patent litigator and has a familiarity with the subject matter at issue in the proceeding, and the admission of the party’s counsel will facilitate the party’s ability to effectively participate in the proceeding. UUSI respectfully submits that all of these conditions have been met here.

UUSI’s lead counsel, Joseph A. Rhoa, is a registered practitioner. *See* Exhibit 2001, Declaration of Lawrence M. Hadley in Support of Motion for Admission *Pro Hac Vice* (“Hadley Decl.”), at ¶ 14.

As demonstrated by his declaration, Mr. Hadley is an experienced litigator who has litigated patent infringement cases for various parties in federal district courts throughout the United States, the U.S. Court of Appeals for the Federal Circuit, and the International Trade Commission. *Id.* at ¶ 5. His legal career spans over twenty-five (25) years. *See id.* at ¶ 3. Mr. Hadley has extensive experience in

litigating patent infringement cases, and has served as lead counsel in numerous patent infringement cases. *Id.* at ¶ 5.

Mr. Hadley is familiar with the subject matter of this proceeding. He is lead trial counsel for UUSI in the underlying district court action against Apple involving U.S. Pat. No. 5,796,183 (the “’183 Patent”), *UUSI, LLC, d/b/a Nartron v. Apple Inc.*, Civ. Action No. 18-cv-04637- JD (N.D. Cal.). *Id.* at ¶ 6.

Additionally, Mr. Hadley is lead trial counsel for UUSI in a district court action against Samsung involving the ’183 Patent, *UUSI, LLC, d/b/a Nartron v. Samsung Electronics Co., Ltd.*, Civ. Action No. 1:15-cv-00146-JTN (W.D. Mich.). *Id.*

Finally, Mr. Hadley is lead appellate counsel for UUSI in Samsung’s Federal Circuit appeal of the recently-concluded IPR filed by Samsung, which found that Samsung had not met its burden of proving the challenged claims of the ’183 patent invalid as obvious. *Samsung v. UUSI, LLC d/b/a/ Nartron*, AIA Review No. IPR2016- 00908, Final Written Decision dated Oct. 18, 2017, appealed in *Samsung Electronics Co., Ltd. v. UUSI, LLC*, No. 2018-1310, pending at the Federal Circuit. *Id.*

During the course of these actions, Mr. Hadley has become highly familiar with the invention claimed in the ’183 Patent, the technology relevant to the ’183 patent, the prosecution history of the ’183 patent, including the two reexamination proceedings, the prior art to the ’183 patent, including the prior art asserted in the six new IPRs filed by Apple, the prior Samsung IPR challenge to the same claims of the ’183 patent at issue in these new IPRs, the Board’s Final Written Decision in that IPR, and the arguments concerning the validity of the patent made by petitioner. *Id.* at ¶ 7.

UUSI submits that Mr. Hadley’s participation will assist it and its lead counsel in effectively participating in this proceeding, and will facilitate timely

completion of the proceedings.

Mr. Hadley has never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body, and has never had an application for admission to practice before a court or agency denied. *Id.* at ¶¶ 8-9. Mr. Hadley is a member in good standing of the Bar of California, the United States Supreme Court, the Ninth and Federal Circuit Courts of Appeal, and numerous district courts across the country. *Id.* at ¶ 4. Mr. Hadley has further agreed, as indicated in his declaration, to read and to be subject to the Office Patent Trial Practice Guide, the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R., and the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*, and submit to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶¶ 11.

III. CONCLUSION.

For the foregoing reasons, UUSI respectfully requests that the Board recognize Lawrence M. Hadley as its counsel, *pro hac vice*, in this proceeding.

Dated: March 26, 2019

Respectfully submitted,

By: /s/ Joseph A. Rhoa

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