

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

IPR2020-00255 (Patent 9,516,127 B2)
IPR2020-00280 (Patent 10,027,619 B2)
IPR2020-00281 (Patent 10,027,619 B2)
IPR2020-00506 (Patent 9,769,176 B1)
IPR2020-00507 (Patent 10,243,962 B1)
IPR2020-00584 (Patent 9,603,056 B2)¹

Before THU A. DANG, KARL D. EASTHOM, and JONI Y. CHANG,
Administrative Patent Judges.

EASTHOM, *Administrative Patent Judge.*

ORDER

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

¹ This Order applies to all of the above-identified proceedings.

IPR2020-00255 (Patent 9,516,127 B2)
IPR2020-00280 (Patent 10,027,619 B2)
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IPR2020-00507 (Patent 10,243,962 B1)
IPR2020-00584 (Patent 9,603,056 B2)

On August 12, 2020, Patent Owner filed motions for admission *pro hac vice* of Nathan Nobu Lowenstein in each of the above-identified proceedings (collectively “Motions”). Paper 16.² Patent Owner also filed declarations of Mr. Lowenstein in support of the Motions (collectively “Declarations”). Ex. 2001.³ Patent Owner states that Petitioner does not oppose the Motions. Paper 16, 1. For the reasons provided below, Patent Owner’s Motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), 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. In its notice authorizing motions for *pro hac vice* admission, the Board requires a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in this proceeding. *See* Paper 4, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

² For purposes of expediency, we cite to Papers filed in IPR2020-00255. Patent Owner filed similar Motions in IPR2020-00280 (Paper 9), IPR2020-00281 (Paper 9), IPR2020-00506 (Paper 10), IPR2020-00507 (Paper 8), and IPR2020-00584 (Paper 8).

³ For purposes of expediency, we cite to Exhibits filed in IPR2020-00255. Patent Owner filed similar Declarations in IPR2020-00280 (Ex. 2001), IPR2020-00281 (Ex. 2001), IPR2020-00506 (Ex. 2022), IPR2020-00507 (Ex. 2001), and IPR2020-00584 (Ex. 2001).

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Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Lowenstein has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Lowenstein has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Patent Owner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Lowenstein. Mr. Lowenstein will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner has filed a Power of Attorney including Mr. Lowenstein in accordance with 37 C.F.R. § 42.10(b). IPR2020-00255, Paper 6; IPR2020-00280, Paper 6; IPR2020-00281, Paper 6; IPR2020-00506, Paper 5; IPR2020-00507, Paper 5; and IPR2020-00584, Paper 5. Patent Owner has also filed Mandatory Notices identifying Mr. Lowenstein as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2020-00255, Paper 5; IPR2020-00280, Paper 5; IPR2020-00281, Paper 5; IPR2020-00506, Paper 4; IPR2020-00507, Paper 4; and IPR2020-00584, Paper 4.

Accordingly, it is

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Nathan Nobu Lowenstein are *granted*;

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IPR2020-00584 (Patent 9,603,056 B2)

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

FURTHER ORDERED that Mr. Lowenstein is authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Lowenstein is to comply with the Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)), 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), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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