

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO. LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and APPLE INC.,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

IPR2021-00144
Patent 8,095,879 B2

Before MICHELLE N. ANKENBRAND, KARA L. SZPONDOWSKI, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

ANKENBRAND, *Administrative Patent Judge*.

DECISION

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

I. INTRODUCTION

Patent Owner filed a motion for *pro hac vice* admission of Nathan Nobu Lowenstein (Paper 33 (“Motion”)) in the above-identified proceeding. A supporting Declaration from Mr. Lowenstein was included as part of the Motion. Ex. 2004 (“Affidavit”). Patent Owner states that Petitioner does not oppose the Motion. Mot. 2.

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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide 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 the proceeding. *See 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”).

Lead counsel for Patent Owner, Kenneth J. Weatherwax, a registered practitioner, filed the Motion. Mot. 4, 12. In the Motion, Patent Owner states there is good cause for the Board to recognize Mr. Lowenstein *pro hac vice* during these proceedings because he “is an experienced litigator, and the majority of his practice has consisted of patent litigation and other patent related matters such as PTAB litigations,” “has an established familiarity with the subject matter at issue in this proceeding,” and “has reviewed the Patent at issue as well as the Petition and the relevant art.” *Id.* at 4, 7; *see* Ex. 2004 ¶¶ 9–10, 15. Mr. Lowenstein’s Declaration also complies with the requirements for *pro hac vice* admission. Ex. 2004 ¶¶ 1–7, 11–15; *see Unified Patents*, slip op. at 3–4.

Having reviewed the Motion and supporting Declaration, good cause exists for granting admission *pro hac vice* to Mr. Lowenstein.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Motion is *granted*, and Nathan Nobu Lowenstein is authorized to represent Patent Owner only as back-up counsel in the above-identified proceeding;

FURTHER ORDERED that a registered practitioner will continue to represent Patent Owner as lead counsel in the above-identified proceeding;

FURTHER ORDERED that Mr. Lowenstein shall read the Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and will comply with 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 is subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

IPR2021-00144
Patent 8,095,879 B2

FOR PETITIONER:

W. Karl Renner
David Holt
FISH & RICHARDSON P.C.
axf-ptab@fr.com
holt2@fr.com

Tiffany Miller
James Heintz
DLA PIPER LLP
tiffany.miller@dlapiper.com
jim.heintz@dlapiper.com

FOR PATENT OWNER:

Kenneth J. Weatherwax
Nathan Lowenstein
Parham Hendifar
Patrick Maloney
LOWENSTEIN & WEATHERWAX LLP
weatherwax@lowensteinweatherwax.com
lowenstein@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com
maloney@lowensteinweatherwax.com