

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)
IPR2021-00145 (Patent 8,812,993 B2)¹

Before KEVIN C. TROCK, MICHELLE N. ANKENBRAND, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

ANKENBRAND, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of Mark S. Carlson, Philip J. Graves, and Greer N. Shaw
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each of the above-identified proceedings. We issue one Order to be entered in each proceeding. The parties may not use this style caption without our permission.

IPR2021-00144 (Patent 8,095,879 B2)

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On February 11, 2021, Patent Owner filed Motions for *Pro Hac Vice* Admission of Mark S. Carlson, Philip J. Graves, and Greer N. Shaw in each of the above-identified proceedings. Papers 11, 13, 15 (“Motions”).² Patent Owner supports the Motions with the Declarations of Messrs. Carlson, Graves, and Shaw. Papers 12, 14, 16.³ Patent Owner indicates Petitioner does not oppose the Motions. Paper 11, 5; Paper 13, 5; Paper 15, 5.

Upon review of the record before us, we determine that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Messrs. Carlson, Graves, and Shaw *pro hac vice*.

It is, therefore,

ORDERED that Patent Owner’s Motions for *Pro Hac Vice* Admission of Mark S. Carlson, Philip J. Graves, and Greer N. Shaw are granted; Messrs. Carlson, Graves, and Shaw are authorized to act only as back-up counsel in the above-identified proceedings;

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 Messrs. Carlson, Graves, and Shaw are to comply with the Consolidated Trial Practice Guide⁴ (84 Fed. Reg. 64,280

² For expediency, we cite to papers in IPR2021-00144. Patent Owner filed similar papers in IPR2021-00145.

³ We remind Patent Owner to file all evidence as an exhibit. *See* 37 C.F.R. § 42.63(a).

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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(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 Messrs. Carlson, Graves, and Shaw are to 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.*⁵

⁵ Messrs. Carlson, Graves, and Shaw declare they “agree to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.*” (Paper 12 ¶ 11; Paper 14 ¶ 11; Paper 16 ¶ 11), rather than be subject to the current *USPTO Rules of Professional Conduct*, which are set forth in 37 C.F.R. §§ 11.101 *et seq.* We deem this to be harmless error.

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PETITIONER:

Walter 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

PATENT OWNER:

Robert Asher

Bruce Sunstein

Wendy Demoracski

Sunstein LLP

rasher@sunsteinlaw.com

bsunstein@sunsteinlaw.com

wdemoracski@sunsteinlaw.com