

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

NANOCO TECHNOLOGIES LTD.,
Patent Owner.

IPR2021-00182 (Patent 9,680,068 B2)
IPR2021-00183 (Patent 7,588,828 B2)
IPR2021-00184 (Patent 7,803,423 B2)
IPR2021-00185 (Patent 7,867,557 B2)
IPR2021-00186 (Patent 8,524,365 B2)¹

Before ERICA A. FRANKLIN, GRACE KARAFFA OBERMANN, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of Michael C. Newman,
Thomas H. Wintner, and Matthew S. Galica
37 C.F.R. § 42.10

¹ This Order applies to each of the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. Unless otherwise authorized, the parties shall not use this heading style in any subsequent papers.

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Patent Owner filed motions for *pro hac vice* admission of Michael C. Newman, Thomas H. Wintner, and Matthew S. Galica in the above-identified proceedings (collectively, “Motions”). Papers 7, 8, 9.² Patent Owner also filed declarations from Mr. Newman, Mr. Wintner, and Mr. Galica in support of the Motions (collectively, “Declarations”). Exs. 2001, 2002, 2003.³ Patent Owner states that counsel for Petitioner does not object to the admissions *pro hac vice* of Mr. Newman, Mr. Wintner, and Mr. Galica. Paper 7, 2; Paper 8, 2; Paper 9, 2.

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, William A. Meunier, a registered practitioner, filed the Motions. Paper 7, 5; Paper 8, 5; Paper 9, 5. In the Motions, Patent Owner states there is good cause for the Board to recognize

² All citations are to IPR2021-00182, unless otherwise noted. Patent Owner filed similar motions in IPR2021-00183, IPR2021-00184, IPR2021-00185, and IPR2021-00186.

³ Patent Owner filed similar declarations in IPR2021-00183, IPR2021-00184, IPR2021-00185, and IPR2021-00186.

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Mr. Newman, Mr. Wintner, and Mr. Galica *pro hac vice* during these proceedings because they are experienced patent litigators, and have an established familiarity with the subject matter at issue in these proceedings, as well as the parallel litigation involving the patents at issue in these proceedings. Paper 7, 2–3; Paper 8, 2–3; Paper 9, 2–3. The Declarations of Mr. Newman, Mr. Wintner, and Mr. Galica also comply with the requirements for *pro hac vice* admission. Ex. 2001 ¶¶1–9; Ex. 2002 ¶¶1–11; Ex. 2003 ¶¶ 1–9; *see Unified Patents*, slip op. at 3–4.

Based on the information presented in the Motions and Declarations, and in view of Patent Owner’s assertion that Petitioner does not oppose the Motions, we find that good cause exists for *granting* the Motions and permitting the *pro hac vice* admission of Mr. Newman, Mr. Wintner, and Mr. Galica.

Patent Owner has updated its Mandatory Notices as required by 37 C.F.R. § 42.8(b)(3). Paper 6. Patent Owner has also submitted Powers of Attorney for Mr. Newman, Mr. Wintner, and Mr. Galica in all but one instance: in IPR2021-00182, Patent Owner has not submitted a Power of Attorney for Mr. Galica. Paper 5. Thus, in IPR2021-00182, Patent Owner must submit a Power of Attorney for Mr. Galica in accordance with 37 C.F.R. § 42.10(b).⁴

⁴ Patent Owner is only required to submit a Power of Attorney for Mr. Galica in IPR2021-00182, as Patent Owner has already submitted a Power of Attorney for Mr. Galica in the other proceedings. *See e.g.*, IPR2021-00183, Paper 5.

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It is

ORDERED that the Motions are *granted*, and Michael C. Newman, Thomas H. Wintner, and Matthew S. Galica are authorized to represent Patent Owner only as back-up counsel in each proceeding identified in the heading;

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

FURTHER ORDERED that Mr. Newman, Mr. Wintner, and Mr. Galica shall 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;

FURTHER ORDERED that Mr. Newman, Mr. Wintner, and Mr. Galica are 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); and

FURTHER ORDERED that, within ten (10) business days of the date of this order, Petitioner must submit a Power of Attorney for Mr. Galica in IPR2021-00182, in accordance with 37 C.F.R. § 42.10(b).

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