

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

NANOCO TECHNOLOGIES LTD.,
Patent Owner.

Case No. IPR2021-00186
U.S. Patent No. 8,524,365

**UNOPPOSED MOTION OF NANOCO TECHNOLOGIES LTD.
FOR *PRO HAC VICE* ADMISSION OF THOMAS H. WINTNER**

I. Statement of Precise Relief Requested

Patent Owner Nanoco Technologies Ltd. (“Nanoco”) respectfully requests that the Board admit Thomas H. Wintner *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Counsel for Petitioner has indicated that Petitioner does not oppose this motion.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* during the Proceeding

Pursuant to 37 C.F.R. § 42.10(c), the Board may admit counsel *pro hac vice* for good cause, subject to any other conditions that the Board may require, so long as lead counsel is a registered practitioner. Good cause includes when “counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c).

This application satisfies the requirements of Section 42.10(c):

1. Lead counsel, William A. Meunier, the undersigned, is a registered Practitioner.
2. *Pro Hac Vice* Applicant, Mr. Thomas H. Wintner, is an experienced patent litigator. As attested to in the accompanying Declaration dated December 1, 2020 (“Wintner Declaration”), Exhibit 2002, ¶¶ 2-4, Mr. Wintner has experience in numerous litigations involving patent infringement in District Courts throughout the United States and before the International Trade Commission, as well as

numerous Patent Trial and Appeal Board proceedings. Mr. Wintner is a member in good standing of the Bar of the Commonwealth of Massachusetts with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations. *Id.* ¶¶ 2, 8. He is also admitted to practice before the United States Supreme Court, United States Courts of Appeals for the Federal, First, Fourth, Sixth, and Ninth Circuits, and the United States District Court for the District of Massachusetts. *Id.* ¶ 2.

3. Mr. Wintner has an established familiarity with chemistry generally, the subject matter at issue in this proceeding more specifically, and the parallel litigation involving U.S. Patent Nos. 7,588,828 (“the ’828 patent”), U.S. Patent No. 7,803,423 (“the ’423 patent”), U.S. Patent No. 7,867,557 (“the ’557 patent”), U.S. Patent No. 8,524,365 (“the ’365 patent”) and U.S. Patent No. 9,680,068 (“the ’068 patent”) filed by Patent Owner in the United States District Court for the Eastern District of Texas (Civil Action No. 2:20-cv-00038-JRG). Wintner Declaration ¶¶ 5-6. He has reviewed and is familiar with all the relevant materials for this matter, including the case pleadings, the ’365 patent, its prosecution history, and the prior art references that are the subject of this *inter partes* review proceeding. *Id.* ¶ 7. In addition, Mr. Wintner has a thorough understanding of the grounds of unpatentability asserted in the Petition and the challenged claims of the ’365 patent. *Id.*

4. Mr. Wintner has read and will comply with the Office Patent Trial Practice Guide, the Trial Practice Guide updates, and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R, and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq., and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶¶ 9-10.

5. Further, Mr. Wintner has applied and was admitted to appear *pro hac vice* in multiple *inter partes* review proceedings, one post grant review proceeding, and one derivation proceeding before the Office in the last three (3) years. *Id.* ¶ 3.

For the foregoing reasons, Patent Owner Nanoco respectfully requests that the Board admit Thomas H. Wintner *pro hac vice* in this proceeding.

Respectfully submitted,

Nanoco Technologies Ltd.,
By its attorneys,

/William A. Meunier/

William A. Meunier (Reg. No. 41,193)
Peter J. Cuomo (Reg. No. 58,481)
Michael C. Newman (*pro hac vice* to be filed)
Thomas A. Wintner (*pro hac vice* to be filed)
Matthew S. Galica (*pro hac vice* to be filed)
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
Telephone: 617-348-1845
Facsimile: 617-542-2241
E-mails: WAMeunier@mintz.com
PJCuomo@mintz.com
MCNewman@mintz.com
TWintner@mintz.com
MSGalica@mintz.com
NanocoIPRs@mintz.com

Dated: December 1, 2020

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.