

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

IPR2021-01041
Patent 8,095,879 B2

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

ANKENBRAND, *Administrative Patent Judge*.

ORDER

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

On September 28, 2021, Patent Owner filed motions for *pro hac vice* admission of Philip J. Graves, Mark. S. Carlson, and Greer N. Shaw in the above-identified proceeding. Papers 8, 10, 12 (collectively, “Motions”). Patent Owner supports the Motions with the declarations of Messrs. Graves, Carlson, and Shaw. Papers 9, 11, 13 (collectively, “Declarations”).¹ Patent Owner indicates that Petitioner does not oppose the Motions. Paper 8, 7; Paper 10, 6; Paper 12, 7.

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. Graves, Carlson, and Shaw *pro hac vice*.

Accordingly, it is:

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Philip J. Graves, Mark S. Carlson, and Greer N. Shaw are *granted*; Messrs. Graves, Carlson, and Shaw are authorized to act only as back-up counsel in this proceeding;

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

FURTHER ORDERED that Messrs. Graves, Carlson, and Shaw are to comply with the Patent Trial and Appeal Board’s Consolidated Trial

¹ Patent Owner filed the Declarations as Papers. We deem this to be harmless error, but remind the parties that they must file affidavits and declarations as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

IPR2021-01041
Patent 8,095,879 B2

Practice Guide² (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 Messrs. Graves, Carlson, and Shaw 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 at 37 C.F.R. §§ 11.101 *et seq.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2021-01041
Patent 8,095,879 B2

FOR PETITIONER:

Erika Arner
Kevin Rodkey
Yi Yu
Wei Yuan
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP
erika.arner@finnegan.com
kevin.rodkey@finnegan.com
yi.yu@finnegan.com
wei.yuan@finnegan.com

FOR PATENT OWNER:

Robert Asher
Bruce Sunstein
Timothy Murphy
SUNSTEIN LLP
rasher@sunsteinlaw.com
bsunstein@sunsteinlaw.com
tmurphy@sunsteinlaw.com