

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioners,

v.

LOGANTREE LP
Patent Owner

Case IPR2022-00040
Patent 6,059,576

**PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC*
VICE OF COLIN PHILLIPS**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.10 and the Board’s “Order Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. §42.10,” entered December 5, 2012, Patent Owner LoganTree, LP, requests that the Board admit Colin Phillips *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS

Pursuant to 37 C.F.R. §42.10(c), the Board

may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that 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). The facts, supported by the attached Declaration of Colin Phillips in Support of Motion for Admission *Pro Hac Vice* (“Phillips Decl.”), establish good cause to admit Mr. Phillips *pro hac vice* in this proceeding.

1. Lead counsel David Warden is a registered practitioner and is experienced in proceedings before the Board.

2. Mr. Phillips is an experienced litigating attorney who has been practicing for more than 4 years. (Phillips Decl. ¶ 1.) Mr. Phillips has been litigating patent cases for at least 4 years. (*Id.* ¶ 2.) Mr. Phillips is a member in good standing of the Texas State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, and is admitted to practice before the Southern District of Texas and the Western District of Texas. (*Id.* ¶ 3-4.)

3. Mr. Phillips has familiarity with the subject matter at issue in this proceeding based on his work as counsel in the pending district court cases *LoganTree LP, vs. Apple, Inc.*, Case No.

3:22-cv-02892 (N.D. Cal.) and *LoganTree LP v. Fossil Group, Inc.*, Case No. 21-385 (D. Del.), both of which involve the same patent at issue in this proceeding. (*Id.* ¶ 5.)

4. Mr. Phillips has read and will comply with the Office Patent Trial Practice Guide 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 Code of Professional Responsibility set forth in 37 C.F.R. §§10.20 et seq., and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id.* ¶ 7-8.) Mr. Phillips has not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years. (*Id.* ¶ 9.)

III. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Phillips Declaration, establish that there is a good cause to admit Mr. Phillips *pro hac vice* in this proceeding under 37 C.F.R. §42.10. Lead counsel is a registered practitioner, Mr. Phillips is an experienced litigating attorney, and Mr. Phillips has an established familiarity with the subject matter at issue in the proceeding.

IV. CONCLUSION

For the foregoing reasons, Patent Owner LoganTree, LP respectfully requests that the Board admit Colin Phillips *pro hac vice* in this proceeding.

Dated: October 3, 2022

Respectfully Submitted,

By: /s/ David E. Warden

David E. Warden

Reg. No. 35,733

Attorney for Patent Owner

LoganTree LP

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CERTIFICATE OF CONFERENCE

I hereby certify that on September 12, 2022, counsel for Patent Owner conferred via e-mail with counsel for the Petitioner regarding the Motion. Based on that conference, the relief requested herein is unopposed.

/s/ Jason McManis

Jason McManis

CERTIFICATE OF SERVICE

I hereby certify that LoganTree LP's Mandatory Notices Under 37 C.F.R. 42.8(a)(2) were served on October 3, 2022, by electronic mail to the following:

Lead Counsel	Back-up Counsel
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Dated: October 3, 2022

Respectfully Submitted,

By: /s/ David E. Warden

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