

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-00807
Patent 9,756,168

**PATENT OWNER SMART MOBILE TECHNOLOGIES LLC'S
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION
OF PHILIP J. GRAVES UNDER 37 C.F.R. § 42.10(c)**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

EXHIBIT LIST

2001	Techopedia – Jini (available at https://www.techopedia.com/definition/1304/jini) [Techopedia Jini]
2002	Excerpts from <i>The Jini™ Specification</i> , Ken Arnold et al., [Jini Specification]
2003	Excerpts from <i>A Collection of Jini™ Technology Helper Utilities and Services Specifications</i> , Sun Microsystems, Inc. (2000) [A Collection of JINI Specifications]
2004	Excerpts from Microsoft Computer Dictionary, Fifth Edition (2002) [Microsoft Computer Dictionary]
2005	Excerpts from Newton’s Telecom Dictionary, 16th Edition (2000) [Newton’s Telecom Dictionary]
2006	Declaration of Nathan Lowenstein in Support of Motion for <i>Pro Hac Vice</i> Admission
2007	Declaration of Colette Woo in Support of Motion for <i>Pro Hac Vice</i> Admission
2008	Declaration of Philip J. Graves in support of Motion for <i>Pro Hac Vice</i> Admission
2009	Declaration of Greer N. Shaw in support of Motion for <i>Pro Hac Vice</i> Admission

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Smart Mobile Technologies LLC (“Smart Mobile”) respectfully moves the Patent Trial & Appeal Board (“Board”) for the pro hac vice admission of Philip J. Graves in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c), 37 C.F.R., provides that:

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.

The Board has further required that a motion for *pro hac vice* admission be filed in accordance with the “Order - Authorizing Motion for *Pro Hac Vice* Admission” entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) (“*United Patents* Order”).

The *United Patents* Order requires that such motions: (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel

pro hac vice during the proceeding[;]” and (2) “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;
- vi. The individual will be subject to the U.S.P.T.O. Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Philip J. Graves, submitted herewith as Exhibit 2008, Patent Owner requests the *pro hac vice* admission of Philip J. Graves in this proceeding:

1. Mr. Graves has over twenty-five years of experience as a litigation attorney specializing in patent litigation and representing clients in patent litigation matters in various United States District Courts and the United States Court of Appeals for the Federal Circuit. Ex. 2008 ¶ 2.

2. Mr. Graves is very familiar with U.S. Patent No. 9,756,168, as well as the legal subject matter, technical subject matter, and prior art discussed in Petitioner's Request for Inter Partes Review of U.S. Patent No. 9,756,168, which forms the basis for this proceeding. Mr. Graves has personally reviewed the patent at issue, as well as its prosecution history and the above referenced petition, with accompanying declarations and exhibits. Mr. Graves has been and continues to be actively involved with strategic, factual, and technical aspects of this matter. *Id.* ¶ 10.

3. Mr. Graves is a member in good standing of the State Bar of California. Mr. Graves is admitted to practice before the United States District Courts for the Southern District of California, the Eastern District of California, the Northern District of California, and the Central District of California. Mr. Graves

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