

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SMART MOBILE TECHNOLOGIES LLC,  
Patent Owner.

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IPR2022-00807  
Patent 9,756,168 B1

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Before KEVIN F. TURNER, HYUN J. JUNG, and  
PAUL J. KORNICZKY, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice* Admission of  
Nathan N. Lowenstein and Colette Woo  
*37 C.F.R. § 42.10(c)*

Patent Owner filed motions for *pro hac vice* admission of Nathan Nobu Lowenstein and Colette Woo in the above-identified proceeding. Papers 15–16 (“Motions”). Patent Owner also filed declarations of Mr. Lowenstein and Ms. Woo in support of the Motions. Ex. 2006–07 (“Declarations”). Patent Owner represents that the Motions are unopposed. Motions 1.

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, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. See Paper 4, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motions and averred in the Declarations, we conclude that Mr. Lowenstein and Ms. Woo have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Lowenstein and Ms. Woo have demonstrated sufficient familiarity with the subject matter of this proceeding, and that Mr. Lowenstein and Ms. Woo meet all other requirements for admission *pro hac vice*. We further conclude that Patent Owner’s interest in being represented in the instant proceeding by counsel with litigation experience weighs in favor of granting the Motions. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Lowenstein and Ms. Woo. The Motions are hereby granted, and Mr. Lowenstein and

Ms. Woo will be permitted to appear *pro hac vice* in the instant proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a power of attorney for Mr. Lowenstein and Ms. Woo in accordance with 37 C.F.R. § 42.10(b). Paper 6. In addition, Patent Owner filed mandatory notices identifying Mr. Lowenstein and Ms. Woo as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 5.

Accordingly, it is

ORDERED that Patent Owner's Motions for Admission *Pro Hac Vice* of Nathan Nobu Lowenstein and Colette Woo in the above-identified proceeding are *granted*;

FURTHER ORDERED that Mr. Lowenstein and Ms. Woo are authorized to represent Patent Owner only as back-up counsel in the instant proceeding;

FURTHER ORDERED that Patent Owner must continue to have a registered practitioner represent it as lead counsel in the instant proceeding;

FURTHER ORDERED that Mr. Lowenstein and Ms. Woo must comply with the Consolidated Trial Practice Guide<sup>1</sup> (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Mr. Lowenstein and Ms. Woo are to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a),

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<sup>1</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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and the USPTO Rules of Professional Conduct set forth in 37 C.F.R.  
§§ 11.101 *et. seq.*

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