

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

IPR2022-01248 (Patent 8,842,653 B1)
IPR2022-01249 (Patent 9,019,946 B1)¹

Before HYUN J. JUNG, GARTH D. BAER, and AARON W. MOORE,
Administrative Patent Judges.

JUNG, *Administrative Patent Judge.*

ORDER

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

¹ This Order addresses issues that are the same in each of these proceedings. We issue one Order to be entered in each proceeding. The parties are not permitted to use this style of caption.

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Patent Owner, Smart Mobile Technologies LLC, filed Motions for *pro hac vice* admission of Philip J. Graves and Greer N. Shaw. IPR2022-01248, Papers 11, 12; IPR2022-01249, Papers 8, 9. Patent Owner submitted Declarations from Mr. Graves and Mr. Shaw in support of the Motions. IPR2022-01248, Exs. 2016, 2017; IPR2022-01249, Exs. 2016, 2017. Patent Owner states that Petitioner does not oppose the motions. *See* IPR2022-01248, Paper 11, 6, Paper 12, 6; IPR2022-01249, Paper 8, 4, Paper 9, 4.

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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Graves and Mr. Shaw have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Graves and Mr. Shaw have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, that Mr. Graves and Mr. Shaw meet all other requirements for admission *pro hac vice*. *See* IPR2022-01248, Ex. 2016 ¶¶ 1–13, Ex. 2017 ¶¶ 1–13; IPR2022-01249, Ex. 2016 ¶¶ 1–10, Ex. 2017 ¶¶ 1–10.

Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Graves and Mr. Shaw. Mr. Graves and Mr. Shaw will be

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permitted to appear *pro hac vice* as back-up counsel only. See 37 C.F.R. § 42.10(c).

Powers of Attorney have been submitted for Mr. Graves and Mr. Shaw in accordance with 37 C.F.R § 42.10(b). IPR2022-01248, Paper 6; IPR2022-01249, Paper 6. Mandatory Notices have also been submitted, identifying Mr. Graves and Mr. Shaw as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). IPR2022-01248, Paper 5; IPR2022-01249, Paper 5.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions (IPR2022-01248, Papers 11, 12; IPR2022-01249, Papers 8, 9) for *pro hac vice* admission of Philip J. Graves and Greer N. Shaw are *granted*;

FURTHER ORDERED that Patent Owner must continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings, and that Mr. Graves and Mr. Shaw are authorized to act only as back-up counsel;

FURTHER ORDERED that Mr. Graves and Mr. Shaw comply with the Patent Trial and Appeal Board's Consolidated Trial 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 Mr. Graves and Mr. Shaw are subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101–11.901.

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

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