

Filed: July 6, 2023

Filed on behalf of Amazon.com, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,

Petitioner,

v.

JAWBONE INNOVATIONS, LLC,

Patent Owner.

IPR2023-00251

U.S. Patent No. 11,122,357

**UNOPPOSED MOTION FOR MARK LEZAMA TO APPEAR
PRO HAC VICE ON BEHALF OF PETITIONER AMAZON.COM, INC.**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to the Board's December 8, 2022 Notice of Filing Date Accorded (Paper 3) and 37 C.F.R. §§ 42.10(c) and 42.22, Petitioner Amazon.com, Inc., hereby moves for an order allowing Mark Lezama of Knobbe, Martens, Olson & Bear, LLP, to appear *pro hac vice* on behalf of Petitioner in this matter. Petitioner has conferred with Patent Owner, and Patent Owner stated it does not oppose this motion.

II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION

Exhibit 1014 - Declaration of Mark Lezama in Support of Motion to Appear *Pro Hac Vice* on Behalf of Petitioner.

III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth below in the Statement of Material Facts, Petitioner has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Mr. Lezama *pro hac vice*. In particular, Mr. Lezama is an experienced litigation attorney who has represented clients in numerous patent-related cases in various United States district courts and on appeal, including technically and legally complex matters such as will be present in this proceeding. Accordingly, allowing Mr. Lezama to appear *pro hac vice* on behalf of Petitioner is appropriate in this proceeding.

IV. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides: "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.”

2. Lead counsel for Petitioner in this *inter partes* review proceeding is Colin B. Heideman. Mr. Heideman is registered to practice before the United States Patent and Trademark Office and holds Registration No. 61,513.

3. As set forth in Exhibit 1014, Mr. Lezama is an experienced litigating attorney and has an established familiarity with the subject matter at issue in this proceeding. (Ex. 1014 ¶¶ 2-5.) In particular, Mr. Lezama is admitted to practice before the United States Court of Appeals for the Federal Circuit, and over the past 16 years, he has represented clients in numerous patent litigations across the United States. (*Id.* ¶ 2.) Mr. Lezama is counsel of record for Petitioner in the parallel district-court litigation and has been involved in developing invalidity contentions for the '357 patent in that case. (*Id.* ¶ 5.) In addition, Mr. Lezama has experience in *inter partes* review proceedings, having previously been admitted before the Board *pro hac vice* in *Amazon.com, Inc. and Amazon Web Services, LLC v. Personalized*

Media Communications, LLC, Case IPR2014-01528, and *Guest Tek Interactive Entertainment Ltd. v. Nomadix, Inc.*, Cases IPR2019-00211 and IPR2019-00253. (*Id.* ¶ 3.)

4. Further, Mr. Lezama holds a bachelor's degree in mathematics from Harvard College. (*Id.* ¶ 4.)

5. Mr. Lezama is familiar with U.S. Patent 11,122,357 and with the legal subject matter, technical subject matter, and cited art discussed in the petition for *inter partes* review of the '357 patent. (*Id.* ¶ 5.) In view of his legal experience, technical background, and familiarity with the issues in the present matter, Petitioner has requested his services in the present matter. (*Id.*) Denial of his appearance in this case would create an undue burden on Petitioner. (*Id.*)

6. Mr. Lezama 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 Title 37 of the Code of Federal Regulations. (*Id.* ¶ 10.) Mr. Lezama also agrees to be subject to the United States Patent and Trademark Office 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). (*Id.* ¶ 11.)

7. Finally, Mr. Lezama has attested to the remaining elements of Paragraph 2(b) of the representative "Order – Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7. (*Id.* ¶¶ 6-12; *see* Notice of Filing Date

Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 3) at 2.)

V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Petitioner hereby moves for an Order allowing Mark Lezama of Knobbe, Martens, Olson & Bear, LLP, to appear *pro hac vice* on behalf of Petitioner in this matter.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

July 6, 2023

/Nathan D. Reeves/

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