

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA), Inc.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Cases IPR2019-00412 (Patent 9,351,254 B2)
IPR2019-00460 (Patent 9,516,127 B2)
IPR2019-00461 (Patent 9,516,129 B2)¹

Before THU A. DANG, KARL D. EASTHOM, JONI Y. CHANG,
THOMAS L. GIANNETTI, ROBERT J. WEINSCHENK, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.²

CHANG, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motions for *Pro Hac Vice* Admission
of Nathan Nobu Lowenstein
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in above-captioned cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

² This is not an expanded panel of the Board. It is a listing of all the Judges on the panels of the above-listed proceedings.

IPR2019-00412 (Patent 9,351,254 B2)

IPR2019-00460 (Patent 9,516,127 B2)

IPR2019-00461 (Patent 9,516,129 B2)

Patent Owner filed Motions for *pro hac vice* admission of Nathan Nobu Lowenstein (“Motions”) (Paper 7³) supported by Declarations of Mr. Lowenstein (“Declaration”) (Ex. 2001) in each of the above-identified proceedings. Petitioner has not opposed the Motions. For the reasons provided below, Patent Owner’s Motions are *granted*.

Under 37 C.F.R. § 42.10(c), the Board 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* Paper 6, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

In these proceedings, lead counsel for Patent Owner, Kenneth J. Weatherwax, a registered practitioner, filed the Motions. Paper 7, 10. In the Motions, Patent Owner states there is good cause for the Board to recognize Mr. Lowenstein *pro hac vice* during these proceedings because he is an experienced patent litigator with “extensive experience in patent litigation and post grant patent proceedings” and “has an established familiarity with the subject matter at issue, including the patents, petitions, and references.” *Id.* at 9.

³ For purposes of expediency, we refer to the papers and exhibits filed in IPR2019-00412. Patent Owner filed similar papers and exhibits in IPR2019-00460 and IPR2019-00461.

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Upon review of Patent Owner's Motions and supporting evidence, we determine that Patent Owner has demonstrated that Mr. Lowenstein has sufficient legal and technical qualifications to represent Patent Owner in these proceedings. Paper 7; Ex. 2001. We also recognize that there is a need for Patent Owner to have Mr. Lowenstein be involved in these proceedings. Accordingly, Patent Owner has established that there is good cause for admitting Mr. Lowenstein.

In consideration of the foregoing, it is hereby:

ORDERED that the Patent Owner's Motions for *Pro Hac Vice Admission* for Nathan Nobu Lowenstein are GRANTED; Mr. Lowenstein is authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for these proceedings;

FURTHER ORDERED that Mr. Lowenstein shall comply with the Office Patent Trial Practice Guide, as updated by the Office Patent Trial Practice Guide August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and he is 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 *et seq.*

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