

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC.,
ZTE (USA) INC.,
and
ZTE CORPORATION,
Petitioners

v.

3G LICENSING S.A.,
Patent Owner

Case IPR2020-01157

U.S. Patent No. 7,274,933

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10(c)**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Submitted Electronically via PTAB E2E

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. §§ 42.10(c) and 42.22, Patent Owner 3G Licensing S.A. (“3G”) respectfully requests that the Board recognize Stephanie Berger of Devlin Law Firm LLC as backup counsel *pro hac vice* during this proceeding. The facts, supported by the attached Declaration of Stephanie Berger in Support of Motion for Admission *Pro Hac Vice* (“Berger Decl.”, Exhibit 2002), establish good cause to admit Ms. Berger *pro hac vice* in this proceeding. Patent Owner conferred with Petitioners and Petitioners confirmed they do not oppose this Motion.

II. STATEMENT OF FACTS

The following statement of facts shows that there is good cause for the Board to recognize Ms. Berger *pro hac vice*. Ms. Berger is a litigation attorney and has an established familiarity with the subject matter at issue in this proceeding.

Lead counsel for Patent Owner, Timothy Devlin, is a registered practitioner (Reg. No. 41,706) and experienced in *inter partes* proceedings in the USPTO. Along with Timothy Devlin, Stephanie Berger represents 3G Licensing S.A. in connection with the pending district actions captioned *Sisvel International S.A. and 3G Licensing S.A. v. Dell, Inc.*, Case No. 19-01247-MN (D. Del.); *Sisvel International S.A. and 3G Licensing S.A. v. ZTE (USA) Inc. and ZTE Corporation*, Case No. 3:19-cv-01694-N (N.D. Tex.).

Stephanie Berger joined Devlin Law Firm LLC as an intellectual property litigation attorney in January 2019 after serving for three years as an associate at Radulescu LLP and three years as an associate at Vinson & Elkins LLP. (Berger Decl. ¶ 1.)

While at Vinson & Elkins LLP, Radulescu LLP, and now at Devlin Law Firm LLC, Ms. Berger has primarily focused her practice on patent litigation. (*Id.* at ¶ 2.) In that time, Ms. Berger has gained experience conducting technical infringement and validity analysis, working with technical experts to prepare reports on infringement and validity issues, preparing for depositions of technical experts and fact witnesses, briefing claim construction issues, preparing for *Markman* hearings, and assisting in patent litigation trials and hearings before district courts around the country. (Berger Decl. ¶ 2.)

Ms. Berger is a member in good standing of the New York State Bar and the New Jersey State Bar. (*Id.* at ¶ 3.)

Ms. Berger has never been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶ 4.) She has never had an application for admission to practice before any court or administrated body denied. (*Id.*) Nor has any court or administrative body imposed sanctions or contempt citations against her. (*Id.*)

Ms. Berger 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 the C.F.R. (*Id.* at ¶ 5.) Ms. Berger will be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. § 10.20 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* at ¶ 6.)

Ms. Berger is concurrently applying for *pro hac vice* admission in the following proceedings: IPR2020-1158, IPR2020-1159, IPR2020-1160, IPR2020-1161, and IPR2020-1162. She was previously admitted *pro hac vice* in the following IPR proceedings: IPR2020-1070, IPR2020-1071, IPR2020-1099, IPR2020-1102, IPR2020-1103, IPR2020-00264, IPR2020-00265, IPR2020-00274, IPR2020-00275, IPR2015-1287, IPR2015-1290 and IPR2015-1291. (*Id.* at ¶ 7.)

Ms. Berger is an experienced litigation attorney and has established familiarity with the subject matter at issue in this proceeding. (*Id.* at ¶¶ 8-9.) She is familiar with U.S. Patent No. 7,274,933 and all prior art references and alleged grounds of invalidity relied upon by Petitioners in this proceeding. (*Id.* at ¶ 9.) Ms. Berger also participated in drafting the Patent Owner's Preliminary Response in this proceeding. (*Id.*) Moreover, Ms. Berger has engaged and will continue to engage in extensive strategic and substantive discussions regarding this proceeding with Timothy Devlin, who is a registered practitioner and the lead counsel for 3G in this proceeding. (*Id.*)

In addition, Ms. Berger has an engineering background that will be helpful in this proceeding. She holds degrees in Materials Science and Engineering, for which she studied electronic materials and devices. (*Id.* at ¶ 10.) She also has experience working as a design engineer in the oilfield services industry. (*Id.*)

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Ms. Berger as counsel *pro hac vice* during this proceeding.

III. ANALYSIS

The facts contained in the Statement of Facts above and Ms. Berger's Declaration establish that there is good cause to admit Ms. Berger *pro hac vice* in this proceeding under 37 C.F.R. § 42.10 as backup counsel. Lead counsel Timothy Devlin is a registered practitioner and experienced in *inter partes* proceedings in the USPTO. Ms. Berger is an experienced patent litigation attorney and has an established familiarity with the subject matter at issue in this proceeding.

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Stephanie Berger *pro hac vice* in this proceeding.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.