

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)**

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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 Andrew DeMarco of Devlin Law Firm LLC as backup counsel *pro hac vice* during this proceeding. The facts, supported by the attached Declaration of Andrew DeMarco in support of Motion for Admission *Pro Hac Vice* (“DeMarco Decl.”, Exhibit 2004), establish good cause to admit Mr. DeMarco *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 Mr. DeMarco *pro hac vice*. Mr. DeMarco 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, Andrew DeMarco represents 3G Licensing S.A. in connection with the pending district actions captioned *Sisvel International S.A. and 3G Licensing S.A. v. Cradlepoint, Inc.*, Case No. 19-1142-MN (D. Del.); *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.).

Andrew DeMarco joined Devlin Law Firm LLC as an intellectual property litigation attorney in January 2019. (DeMarco Decl. ¶ 1.) Mr. DeMarco 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 fact witnesses, briefing claim construction issues, preparing for *Markman* hearings, and assisting in patent litigation trials before district courts around the country. (*Id.* at ¶ 1.)

Mr. DeMarco is a member in good standing of the Pennsylvania State Bar and the Delaware State Bar. (*Id.* at ¶ 2.) Mr. DeMarco has never been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶ 3.) He has never had an application for admission to practice before any court or administrated body denied. Nor has any court or administrative body imposed sanctions or contempt citations against him. (*Id.* at ¶ 3.)

Mr. DeMarco 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. (DeMarco Decl. at ¶ 4.) Mr. DeMarco 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 ¶ 5.)

Mr. DeMarco is concurrently applying for *pro hac vice* admission in the following proceedings: IPR2020-1158, IPR2020-1159, IPR2020-1160, IPR2020-1161, and IPR2020-1162. He was previously admitted *pro hac vice* in the following IPR proceedings: IPR2020-1070, IPR2020-1071, IPR2020-1099 and IPR2020-1102, IPR2020-1103 and IPR2019-00471. (*Id.* at ¶ 6.)

Mr. DeMarco is a litigation attorney and has established familiarity with the subject matter at issue in this proceeding. (DeMarco Decl. at ¶¶ 7-8.) He 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 ¶ 8.) Mr. DeMarco also participated in drafting the Patent Owner's Preliminary Response in this proceeding. (*Id.*) Moreover, Mr. DeMarco 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.*)

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

III. ANALYSIS

The facts contained in the Statement of Facts above and Mr. DeMarco's Declaration establish that there is good cause to admit Mr. DeMarco *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.

IV. CONCLUSION

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

Dated: May 7, 2021

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

Timothy Devlin

Registration No. 41,706

1526 Gilpin Avenue

Wilmington, DE 19806

(302)-449-9010

TD-PTAB@devlinlawfirm.com

Attorney for Patent Owner

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