

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC,
Petitioner,

v.

DIVX, LLC,
Patent Owner.

IPR2021-01418 (Patent 10,257,443 B2)
IPR2021-01419 (Patent 10,257,443 B2)¹

Before BART A. GERSTENBLITH, MONICA S. ULLAGADDI, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

ORDER

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

¹ This Order addresses issues that are the same in each above-captioned proceeding. The parties are not authorized to use this style heading in subsequent papers.

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IPR2021-01419 (Patent 10,257,443 B2)

In each of the proceedings identified above, Patent Owner filed a motion for *pro hac vice* admission of Nathan Nobu Lowenstein and a declaration in support of that motion. *See* Paper 13²; Ex. 2001. Patent Owner indicates Petitioner does not oppose the Motions. Paper 13, 2. For the reasons provided below, Patent Owner's Motions are *granted*.

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, subject to the condition that lead counsel be a registered practitioner. Good cause is shown by an appropriate statement of facts, and an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Lowenstein has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Lowenstein has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Patent Owner's desire to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Lowenstein.

Accordingly, it is:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Lowenstein are *granted*;

² For expediency, this Order cites to documents filed in IPR2021-01418. Similar or identical documents also were filed in IPR2021-01419.

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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 is authorized to represent Patent Owner only as back-up counsel in these proceedings, in accordance with 37 C.F.R. § 42.10(c);

FURTHER ORDERED that Mr. Lowenstein shall comply with the Consolidated Trial Practice Guide³ (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 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Lowenstein shall be 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.*

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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