UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GENERAL MOTORS LLC AND NISSAN NORTH AMERICA, INC.,
Petitioner,

v.

NEO WIRELESS, LLC,
Patent Owner.

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Case IPR2023-00962
Patent 10,447,450

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**PATENT OWNER NEO WIRELESS LLC'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF XU ZHOU UNDER 37 C.F.R. § 42.10(c)**

| EXHIBIT LIST | |
|---|---|
| 2001-2029 | Reserved |
| 2030 [ADDED] | Declaration of Xu Zhou in support of Motion for Pro Hac Vice Admission |

Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

## I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Neo Wireless, LLC ("Patent Owner") respectfully requests that the Board admit Xu Zhou *pro hac vice* in this proceeding as back-up counsel. Patent Owner has met and conferred with Petitioner, and Petitioner does not oppose this motion.

## II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c), 37 C.F.R., provides that:

> 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.

The Board has further required that a motion for *pro hac vice* admission be filed in accordance with the "Order - Authorizing Motion for *Pro Hac Vice* Admission" entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) ("*United Patents* Order").

The *United Patents* Order requires that such motions (1) "[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding[,]" and (2) "[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:"

i. Membership in good standing of the Bar of at least one State or the District of Columbia;

ii. No suspensions or disbarments from practice before any court or administrative body;

iii. No application for admission to practice before any court or administrative body ever denied;

iv. No sanctions or contempt citations imposed by any court or administrative body;

v. The individual seeking to appear 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 37 C.F.R.;

vi. The individual will be subject to the U.S.P.T.O. 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);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

## III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Xu Zhou, submitted herewith as Exhibit 2030, Patent Owner requests the *pro hac vice* admission of Xu Zhou in this proceeding:

1. Patent Owner's lead counsel, Kenneth J. Weatherwax (the undersigned) is a registered practitioner (Reg. No. 54,528).

2. Mr. Zhou is an associate at the law firm of Caldwell Cassady Curry PC. Ex. 2030 ¶ 8.

3. The majority of Mr. Zhou's practice has consisted of patent related matters such as patent litigations. *Id*. ¶ 9. Representative patent litigations where Mr. Zhou has been actively involved as patent litigation counsel include:

- *VirnetX Inc. et al. v. Apple Inc.*, No. 6:12-cv-00855 (E.D.T.X.)
- *Match Group, LLC v. Bumble Trading Inc.*, No. 6:18-cv-00080 (W.D.T.X.)
- *Huawei Technologies Co. Ltd. v. Verizon Communications Inc. et al.*, No. 2:20-cv-00030 (E.D.T.X.)
- *Neo Wireless, LLC v. Dell Technologies Inc. et al.*, No. 6:21-cv-00024 (W.D.T.X.)

- *In re Neo Wireless, LLC Patent Litigation*, No. 2:22-md-03034 (E.D.M.I.)
- *Nanoco Technologies Ltd. v. Samsung Electronics Co. et al.*, No. 2:20-cv-00038 (E.D.T.X.)
- *BeSang Inc. v. Micron Technology, Inc. et al.*, No. 2:23-cv-00028 (E.D.T.X.)
- *BeSang Inc. v. Intel Corporation*, No. 3:23-cv-00113 (D. Or.)

Ex. 2030 ¶ 10.

4. Mr. Zhou's experience in patent litigations includes drafting pleadings and motions, taking and defending depositions, attending hearings and trials, leading meet and confers, etc. *Id.* ¶ 10. Representative matters where Mr. Zhou is currently or previously appeared in include:
    - *Huawei Technologies Co. Ltd. v. Verizon Communications Inc. et al.*, No. 2:20-cv-00030 (E.D.T.X.)
    - *Neo Wireless, LLC v. Dell Technologies Inc. et al.*, No. 6:21-cv-00024 (W.D.T.X.)
    - *BeSang Inc. v. Micron Technology, Inc. et al.*, No. 2:23-cv-00028 (E.D.T.X.)
    - *BeSang Inc. v. Intel Corporation*, No. 3:23-cv-00113 (D. Or.)

Ex. 2030 ¶ 11.

5. Mr. Zhou has an established familiarity with the subject matter at issue in this proceeding. *Id*. ¶ 15. Mr. Zhou has reviewed the Patent at issue as well as the Petition and the relevant art. *Id*.

6. Mr. Zhou is a member in good standing of the State Bar of Texas. *Id*. ¶¶ 1, 2.

7. Mr. Zhou has never been suspended or disbarred from practice before any court or administrative body. *Id*. ¶ 3.

8. No application of Mr. Zhou for admission to practice before any court or administrative body has ever been denied. *Id*. ¶ 4.

9. No sanctions or contempt citations have ever been imposed against Mr. Zhou by any court or administrative body. *Id*. ¶ 5.

10. Mr. Zhou 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 37 C.F.R. Ex. 2030 ¶ 6.

11. Mr. Zhou understands that he will be subject to the U.S.P.T.O. 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). Ex. 2030 ¶ 7.

12. Mr. Zhou has been admitted *pro hac vice* by the Board in related matters IPR2022-01537, IPR2022-01539, IPR2022-01567, IPR2023-00426, IPR2023-00763, and IPR2023-00797. Ex. 2030 ¶ 12

## IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF XU ZHOU.

The Board may recognize counsel *pro hac vice* 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. 37 C.F.R. § 42.10(c).

The facts outlined above in the Statement of Facts, and contained in the Declaration of Xu Zhou (Ex. 2030), establish that there is good cause to admit Mr. Zhou *pro hac vice* in this proceeding. Patent Owner's lead counsel is a registered practitioner. He also has an established familiarity with the subject matter at issue, including the patents, petitions, and references.

## V. CONCLUSION

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

Respectfully submitted,

/Kenneth Weatherwax/

Kenneth J. Weatherwax, Reg. No. 54,528
LOWENSTEIN & WEATHERWAX LLP

Date: January 8, 2024

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

**PATENT OWNER NEO WIRELESS LLC'S**
**UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION**
**OF XU ZHOU UNDER 37 C.F.R. § 42.10(c)**

**EXHIBIT 2030**

The names and address of the parties being served are as follows:

| | |
|---|---|
| Timothy W. Riffe | IPR18768-0206IP2@fr.com |
| Usman A. Khan | PTABInbound@fr.com |
| Reginald J. Hill | rhill@jenner.com |
| Nicole A Keenan | nkeenan@jenner.com |

Respectfully submitted,

/ Keith Moore /

Date: January 8, 2024