Filed on behalf of: AX Wireless, LLC

Entered: May 16, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

AX Wireless, LLC,
Patent Owner.

Case IPR2023-01135
Patent 9,973,361

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

I. RELIEF REQUESTED

Under 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5), Patent Owner AX Wireless, LLC ("Patent Owner") respectfully requests the *pro hac vice* admission of attorney Allison Harms, Esq. in this proceeding. Patent Owner has conferred with counsel for Intel Corporation ("Petitioner"), and Petitioner does not oppose this motion.

II. LEGAL STANDARD

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, 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 Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5) further instructs:

> The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel pro hac vice requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the "Order

> -- Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under "Representative Orders, Decisions, and Notices."

(*Id.* at 2.) The above referenced "Order -- Authorizing Motion for *Pro Hac Vice* Admission" further provides:

> A motion for *pro hac vice* admission must:
>
> a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
>
> b. Be 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 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 USPTO 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 (3) years; and

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

(IPR2013-00639, Paper No. 7 at 3.) As set forth below, and in the accompanying Declaration of Allison Harms (AXW-2042, "Harms Decl."), each of these requirements is satisfied here.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE ALLISON HARMS *PRO HAC VICE* IN THIS PROCEEDING

Ms. Harms is a member in good standing of the California Bar (Bar No. 299214) and admitted to practice before the United States Court of Appeals for the Federal Circuit, United States District Court for the Central District of California and the United States District Court for the Western District of Michigan (Harms Decl. ¶ 2.) Ms. Harms has never been suspended or disbarred from practice before any court or administrative body. (*Id.* ¶ 3.) No application of Ms. Harms for admission to practice before any court or administrative body has ever been denied. (*Id.*) Nor has any court or administrative body imposed sanctions or contempt

citations against Ms. Harms. (*Id.*) Ms. Harms has read, fully understands, 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 Title 37 of the C.F.R. (*Id.* ¶ 4.) Ms. Harms acknowledges and agrees that she will be subject to the USPTO 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). (*Id.*)

Patent Owner's lead counsel in this proceeding, S. Giri Pathmanaban, is a registered practitioner (Reg. No. 75,986). Moreover, as set forth below (and in her accompanying declaration), Ms. Harms is both an experienced and technically-trained litigation attorney with an established familiarity with the subject matter at issue in this proceeding.

Ms. Harms received a B.S. degree in Electrical Engineering, with minors in Mathematics and Physics, from the University of San Diego in 2011 (*Id.* ¶ 5.) Ms. Harms earned a law degree from the University of California, Hastings College of the Law in 2014. (*Id.*) Ms. Harms joined Latham & Watkins LLP ("Latham") as an associate in 2016. (*Id.*)

Ms. Harms is currently a member of Latham's intellectual property group, with a focus on patent litigation. (*Id.* ¶ 6.) Ms. Harms has practiced in Latham's intellectual property group for over 7 years. (*Id.*)

Ms. Harms also has an established familiarity with the subject matter at issue

in this proceeding. Ms. Harms has been actively involved in the related district court litigations between the Petitioner and Patent Owner, *AX Wireless LLC, v. Dell Inc.*, *and Dell Technologies Inc.*, 2:22-cv-00277-RWS-RSP (EDTX), *AX Wireless LLC, v. Lenovo Group Ltd.*, 2:22-cv-00280-RWS-RSP (EDTX), *AX Wireless LLC, v. HP Inc.*, 2:22-cv-00279- JRG-RSP (EDTX), and *AX Wireless LLC, v. Acer Inc.*, 2:23-cv-00041-JRG-RSP (EDTX). (*Id.* ¶ 7.) U.S. Patent No. 9,973,361 ("'361 patent"), which is at issue in this proceeding, is one of the patents asserted by the Patent Owner in the district court litigations. (*Id.* ¶ 8.) Ms. Harms has been involved in aspects of the litigation, including Patent Owner's development of its claim construction, and validity positions regarding the claims of the '361 patent at issue here. (*Id.*)

Ms. Harms has been actively involved in analyzing and assisting with responding to the Petition for *Inter Partes* Review submitted in this proceeding. (*Id.* ¶ 9.)

She is concurrently applying to appear *pro hac vice* in the following proceedings before the USPTO: Case Nos. IPR2023-01136, -01137, -01138, -01139, and -01145. (*Id.* ¶ 10.) She has applied and been admitted to appear *pro hac vice* in the following proceedings before the USPTO in the last three years: IPR2021-00843, -00845, -00846, -00849, and -01053. (*Id.*)

In view of Ms. Harms' extensive knowledge of the subject matter at issue in this proceeding, and in view of the interrelatedness of this proceeding and the related

district court litigation, Patent Owner has a substantial need for Ms. Harms' *pro hac vice* admission and her involvement in the continued prosecution of this proceeding. In addition, admission of Ms. Harms *pro hac vice* will enable Patent Owner to avoid unnecessary expense and duplication of work between this proceeding and the district court litigation. *See* 77 Fed. Reg. 48,612, 48,661 (Aug. 14, 2012) (Office's comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel district court litigation).

IV. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that Ms. Harms be admitted *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: May 16, 2024

By: / S. Giri Pathmanaban /

S. Giri Pathmanaban (Reg. No. 75,986)
giri.pathmanaban@lw.com
Latham & Watkins LLP
300 Colorado Street, Suite 2400
Austin, TX 78701-3295
Telephone: 737.910.7300
Fax: 737.910.7301

Counsel for Patent Owner
AX Wireless, LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 16th day of May, 2023, a true and correct copy of the foregoing **Patent Owner's Unopposed Motion For *Pro Hac Vice* Admission Of Allison Harms Under 37 C.F.R. § 42.10(c)** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

Tyler Bowen (Reg. No. 60,461)
Perkins Coie LLP
2901 N. Central Avenue, Suite 2000
Phoenix, Arizona 85012
bowen-ptab@perkinscoie.com
Tel.: 602.351.8000; Fax: 602.648.7000

Bryan S. Banks (Reg. No. 52,588)
Perkins Coie LLP
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012
Banks-ptab@perkinscoie.com
Tel.: 602.351.8096; Fax: 602.648.7043

Jonathan R. Carter (Reg. No. 75,145)
Perkins Coie LLP
1155 Avenue of the Americas, 22nd Floor
New York, New York 10036
Carter-ptab@perkinscoie.com
Tel.: 212.261.6826; Fax: 212.977.1649

Chad Campbell (to be entered *Pro Hac Vice*)
Perkins Coie LLP
2901 N. Central Avenue, Suite 2000
Phoenix, Arizona 85012
campbell-ptab@perkinscoie.com
Tel: 602.351.8000; Fax: 602.648.7000

By: / S. Giri Pathmanaban /

S. Giri Pathmanaban (Reg. No. 75,986)
giri.pathmanaban@lw.com
Latham & Watkins LLP
300 Colorado Street, Suite 2400
Austin, TX 78701-3295
Telephone: 737.910.7300
Fax: 737.910.7301

Counsel for Patent Owner
AX Wireless, LLC