

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION AND
EDWARDS LIFESCIENCES LLC,
Petitioner,

v.

AORTIC INNOVATIONS LLC,
Patent Owner.

Case IPR2023-01325
Patent 11,491,033

**DECLARATION OF NATHAN NOBU LOWENSTEIN
IN SUPPORT OF PATENT OWNER'S
MOTION FOR *PRO HAC VICE* ADMISSION
OF NATHAN NOBU LOWENSTEIN
UNDER 37 C.F.R. § 42.10(c)**

I, Nathan Nobu Lowenstein, declare as follows:

1. I am an attorney licensed to practice law in the State of California.
2. I am a member in good standing in all jurisdictions where I have been admitted to practice.
3. I have never been suspended or disbarred from practice before any court or administrative body.
4. I have never had an application denied for admission to practice before any court or administrative body.
5. I have never had any sanctions or contempt citations imposed upon me by any court or administrative body.
6. I have 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.
7. I agree to 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).
8. I am a partner at the law firm of Lowenstein & Weatherwax LLP.
9. I have practiced law in California since 2005, and the majority of my practice has consisted of patent litigation and other patent related matters such as PTAB litigations and matters before the United States Court of Appeals for the

Federal Circuit. Representative patent litigations where I have been actively involved as patent litigation counsel include:

- *Microprocessor Enhancement Corp. v. Texas Instruments Inc.*, 8:08-cv-01123 (C.D. Cal.).
- *The Quantum World Corp. v. Atmel Corp.*, 2:07-cv-00024 (E.D. Tex.).
- *St. Jude Med., Inc. v. Access Closure, Inc.*, 4:08-cv-04101 (W.D. Ark.).
- *Tessera, Inc. v. Micron Tech., Inc.*, 2:05-cv-00094 (E.D. Tex.).

10. My experience in post-grant patent proceedings includes drafting patent owner responses, taking depositions, and presenting oral arguments before the Board. Representative matters where I am or was actively involved include:

- *Samsung Elecs. Co., Ltd. et al. v. Smart Mobile Techs., LLC* (IPR2022-01248).
- *Apple, Inc. v. Smart Mobile Techs. LLC* (IPR2022-00807).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2022-00556).
- *Google LLC v. Neonode Smartphone LLC* (IPR2021-01041).
- *Hulu, LLC v. DivX LLC* (IPR2021-01418, -01419).
- *Patent Quality Assurance, LLC v. VLSI Tech. LLC* (IPR2021-01229).

- *Samsung Elecs. Co., Ltd. et al. v. Neonode Smartphone LLC* (IPR2021-00144).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2021-001527, -01584; IPR2022-00034, -00193).
- *OpenSky Industries, LLC v. VLSI Technology LLC* (IPR2021-01056, -01064).
- *Cohesity Inc. v. Commvault Systems, Inc.* (IPR2021-00934, -00935).
- *Netflix Inc. et al. v. DivX, LLC* (IPR2020-00558, -00614, -00646).
- *DISH Network LLC et al. v. Sound View Innovations, LLC* (IPR2020-01041).
- *Apple Inc. v. SEVEN Networks, LLC* (IPR2020-00236, -00255, -00280, -00281, -00285, -00506, -00507, -00584).
- *Intel Corp. v. VLSI Tech. LLC* (IPR2020-00106, -00112, -00113, -00114, -00141, -00142, -00158, -00498, -00526, -00527, -00582, -00583).
- *Intel Corp. v. VLSI Tech. LLC* (IPR2019-01192, -01197, -01198, -01199, -01200).
- *Unified Patents Inc. v. DivX, LLC* (IPR2019-01379).
- *ZTE (USA), Inc. v. SEVEN Networks, LLC* (IPR2019-00412, -00460, -00461).

- *Apple, Inc. v. IXI IP, LLC* (IPR2019-00124, -00125, -00139, -00140, -00141, -00181).
- *Samsung Elecs. Co., Ltd. v. SEVEN Networks, LLC* (IPR2018-01106, -01108, -01120, -01122, -01124, -01125, -01126, -01127).
- *Google LLC v. SEVEN Networks, LLC* (IPR2018-01047 through -01052, -01101, -01116 through -01118).
- *Intel Corp. v. VLSI Tech. LLC* (IPR2018-01033, -01038, -01040, -01105, -01107, -01144).
- *Unified Patents Inc. v. Sound View Innovations, LLC* (IPR2018-00096, -00599).
- *Hulu, LLC v. Sound View Innovations, LLC* (IPR2018-00017, -00366, -00582, -00864, -01023, -01039).
- *Alphonso, Inc. v. Free Stream Media Corp.* (IPR2017-01730, -01731).
- *Facebook, Inc. v. Sound View Innovations, LLC* (IPR2017-00985, -00986, -00998, -01002 through -01006).
- *Kingston Tech. Co. v. Polaris Innovations, Ltd.* (IPR2016-01621 through -01623, IPR2017-00114, -00116, -00238).
- *Intel Corp. v. Future Link Sys., LLC* (IPR2016-01398, -01400 through -01402).

- Matters involving Solocron Media, LLC (IPR2015-00342, -00349, -00350, -00364, -00376, -00380, -00383, -00387 through -00392).
- *Microsoft Corp. v. IpLearn-Focus, LLC* (IPR2015-00095, -00097).
- Matters involving Maxim Integrated Products, Inc. (CBM2014-00038 through -041, -00177 through -00180, CBM2015-00098, -00101, -00102, IPR2016-00032, -00033).
- *Nissan N. Am., Inc. v. Diamond Coating Techs., LLC* (IPR2014-01545 through -01548).

11. I have previously been admitted to appear, *pro hac vice*, in the following matters before the U.S.P.T.O:

- *Samsung Elecs. Co., Ltd. et al. v. Smart Mobile Techs., LLC* (IPR2022-01248).
- *Apple, Inc. v. Smart Mobile Techs. LLC* (IPR2022-00807).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2022-00556).
- *Google LLC v. Neonode Smartphone LLC* (IPR2021-01041).
- *Hulu, LLC v. DivX LLC* (IPR2021-01418, -01419).
- *Patent Quality Assurance, LLC v. VLSI Tech. LLC* (IPR2021-01229).
- *Samsung Elecs. Co., Ltd. et al. v. Neonode Smartphone LLC* (IPR2021-00144).

- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2021-001527, -01584; IPR2022-00034, -00193).
- *OpenSky Industries, LLC v. VLSI Technology LLC* (IPR2021-01056, -01064).
- *Cohesity, Inc. v. Commvault Systems, Inc.* (IPR2021-00934, -00935).
- *Netflix Inc. et al. v. DivX, LLC* (IPR2020-00558, -00614, -00646).
- *DISH Network LLC et al. v. Sound View Innovations, LLC* (IPR2020-01041).
- *Apple Inc. v. SEVEN Networks, LLC* (IPR2020-00236, -00255, -00280, -00281, -00285, -00506, -00507, -00584).
- *Intel Corp. v. VLSI Tech. LLC* (IPR2020-00106, -00112, -00113, -00114, -00141, -00142, -00158, -00498, -00526, -00527, -00582, -00583).
- *Intel Corp. v. VLSI Tech. LLC* (IPR2019-01192, -01197, -01198, -01199, -01200).
- *Unified Patents Inc. v. DivX, LLC* (IPR2019-01379).
- *ZTE (USA), Inc. v. SEVEN Networks, LLC* (IPR2019-00412, -00460, -00461).
- *Samsung Elecs. Co., Ltd. v. SEVEN Networks, LLC* (IPR2018-01106, -01108, -01124, -01125).

- *Google LLC v. SEVEN Networks, LLC* (IPR2018-01047 through -01052, -01101, -01116 through -01118).
- *Intel Corp. v. VLSI Tech. LLC* (IPR2018-01033, -01038, -01040, -01105, -01107, -01144).
- *Unified Patents Inc. v. Sound View Innovations, LLC* (IPR2018-00096, -00599).
- *Hulu, LLC v. Sound View Innovations, LLC* (IPR2018-00017, -00366, -00582, -00864, -01023, -01039).
- *Facebook, Inc. v. Sound View Innovations, LLC* (IPR2017-00985, -00986, -00998, -01002 through -01006).
- *Intel Corp. v. Future Link Sys., LLC* (IPR2016-01398, -01401, -01402).
- *Kingston Tech. Co. v. Polaris Innovations, Ltd.* (IPR2016-01621 through -01623, IPR2017-00114, -00116).
- *Compass Bank v. Maxim Integrated Prods., Inc.* (CBM2015-00098, -00101, -00102).
- *Microsoft Corp. v. IpLearn-Focus, LLC* (IPR2015-00095, -00097).

12. I have previously applied for admission, *pro hac vice*, in the following matters before the U.S.P.T.O. which were terminated before the application was granted:

- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2022-00549).
- *Patent Quality Assurance, LLC v. VLSI Tech. LLC* (IPR2022-00480).
- *OpenSky Indus., LLC v. VLSI Tech. LLC* (IPR2022-00645).
- *Rubrik Inc. v. Commvault Systems, Inc.* (IPR2021-00535, -00589, -00590)
- *Apple, Inc. v. IXI IP, LLC* (IPR2019-00124, -00125, -00139, -00140, -00141, -00181).
- *Samsung Elecs. Co., Ltd. v. SEVEN Networks, LLC* (IPR2018-01120, -01122, -01126, -01127).
- *Kingston Tech. Co. v. Polaris Innovations, Ltd.* (IPR2017-00238).

13. *Intel Corp. v. Future Link Sys., LLC* (IPR2016-01400). I am concurrently applying for *pro hac vice* admission in the following matters:

- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2023-01151, -01232).

14. Other than the matters identified in ¶¶ 11-13 *supra*, I have not applied to appear *pro hac vice* in any other proceedings before the U.S.P.T.O. in the last three years.

15. I have an established familiarity with the subject matter at issue in this proceeding. I have reviewed the Patent at issue as well as the Petition and the relevant art in this matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.



Nathan Nobu Lowenstein
LOWENSTEIN & WEATHERWAX LLP

Date: October 19, 2023