

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

INTERDIGITAL PATENT HOLDINGS, INC.,
Patent Owner.

Case IPR2024-00306
U.S. Patent No. 9,173,054

**PETITIONER'S CORRECTED UNOPPOSED
MOTION FOR ADMISSION *PRO HAC VICE* OF
SHELBY A. STEPPER PURSUANT TO 37 C.F.R. § 42.10(c)**

LIST OF EXHIBITS

LIST OF NEWLY FILED EXHIBITS

Exhibits concurrently filed with Petitioner’s Corrected Unopposed Motion for Admission *Pro Hac Vice* of Shelby A. Stepper:

No.	Description
1084	Corrected Declaration of Shelby A. Stepper

LIST OF PREVIOUSLY FILED EXHIBITS

No.	Description
1001	U.S. Patent No. 9,173,054 (“ the ’054 Patent ”)
1002	File History of U.S. Patent No. 9,173,054
1003	Declaration of Peter Rysavy, dated December 20, 2023 (“ Rysavy Decl. ”)
1004	U.S. Patent Application Pub. No. 2009/0298419 to Ahya et al. (“ Ahya ”)
1005	U.S. Patent Application Pub. No. 2008/0166967 to Christopher D. McKillop (“ McKillop ”)
1006	International Patent Application Pub. No. WO 2005/1072895 to J. Peter Hoddie (“ Hoddie ”)
1007	U.S. Patent Application Pub. No. 2007/0191028 to Hinckley et al. (“ Hinckley ”)
1008	Sidhu et al., <i>Emerging Wireless Standards – WiFi, ZigBee and WiMAX</i> , International Journal of Electronics and Communication Engineering Vol. 1 No. 1, at 43-48 (2007)
1009	Harry Newton, Newton’s Telecom Dictionary, 20 th Updated and Expanded Edition (excerpted) (2004)

No.	Description
1010	U.S. Patent Application Pub. No. 2009/0034498 to Banerjea et al. (“ Banerjea ”)
1011	N/A
1012	U.S. Patent Application Pub. No. 2007/0135046 to Kapur et al. (“ Kapur ”)
1013	U.S. Patent Application Pub. No. 2009/0215398 to Adler et al. (“ Adler ”)
1014	Bluetooth Specification Version 1.1, Vol. 2, “Profiles” (Feb. 22, 2001)
1015	Megowan et al., Infrared Data Association® (IrDA®) Object Exchange Protocol OBEX™ Version 1.3 (Jan. 3, 2003).
1016	Postel et al., RFC 959, File Transfer Protocol (FTP) (Oct. 1985)
1017	K. Sollins, RFC 1350, The TFTP Protocol (Revision 2) (Jul. 1992)
1018	Frodigh et al., <i>Wireless ad hoc networking—The art of networking without a network</i> , Ericsson Review No. 4, at 248-263 (2000)
1019	U.S. Patent Application Pub. No. 2007/0146347 to Louis B. Rosenberg (“ Rosenberg ”)
1020	Cheverst et al., <i>Exploring Bluetooth based Mobile Phone Interaction with the Hermes Photo Display</i> , Proceedings of the 7 th International Conference on Human Computer Interaction with Mobile Devices and Services, at 47-54 (Sep. 2005)
1021	User’s Guide for Nokia N72 (2006)
1022	U.S. Patent No. 7,356,347 to David Kammer (“ Kammer ”)
1023	Phil Karn, <i>MACA - A New Channel Access Method for Packet Radio</i> , The Proceedings of the 9 th ARRL Computer Networking Conference, at 134-140 (1990)
1024	Chatzimisios et al., <i>Optimisation of RTS/CTS handshake in IEEE 802.11 Wireless LANs for maximum performance</i> , IEEE

No.	Description
	Communications Society Globecom 2004 Workshops, at 270-275 (2004)
1025	Nokia 9500 Communicator User Guide (2004-2005)
1026	User's Guide for Nokia N95 (2007)
1027	U.S. Patent Application Pub. No. 2005/0113079 to Hui Guo (" Guo ")
1028	U.K. Patent Application Pub. No. GB 2,439,364 to Turner et al. (" Turner ")
1029	U.S. Patent Application Pub. No. 2004/0242216 to Demetrios Boutsikakis (" Boutsikakis ")
1030	U.S. Patent No. 7,043,548 to Stephane Bouet (" Bouet ")
1031	Brad A. Myers, The Importance of Percent-Done Progress Indicators for Computer-Human Interfaces, Proceedings of the SIGCHI Conference on Human Factors in Computing Systems (Apr. 1985)
1032	U.S. Patent Application Pub. No. 2009/0140986 to Karkkainen et al. (" Karkkainen ")
1033	U.S. Patent Application Pub. No. 2007/0124503 to Ramos et al. (" Ramos ")
1034	U.S. Patent No. 8,059,111 to Phil Harrison (" Harrison ")
1035	U.S. Patent Application Pub. No. 2006/0026521 to Hotelling et al. (" Hotelling '521 ")
1036	Westerman et al., <i>Multi-Touch: A New Tactile 2-D Gesture Interface For Human-Computer Interaction</i> , Proceedings of the Human Factor and Ergonomic Society 45 th Annual Meeting, at 632-636 (2001)
1037	Jun Rekimoto, <i>Pick-and-Drop: A Direct Manipulation Technique for Multiple Computer Environments</i> , Proceedings of the 10th annual ACM symposium on User interface software and technology, at 31-39 (1997)

No.	Description
1038	U.S. Patent Application Pub. No. 2008/0009309 to Hwang-hyeon Gha (“ Gha ”)
1039	Pravin Bhagwat, <i>Bluetooth: Technology for Short-Range Wireless Apps</i> , at 96-103 (Jun. 2001)
1040	N/A
1041	N/A
1042	U.S. Patent Application Pub. No. 2003/0134629 to Ollis et al. (“ Ollis ”)
1043	N/A
1044	U.S. Patent Application Pub. No. 2006/0097991 to Hotelling et al., (“ Hotelling ’991 ”)
1045	U.S. Patent Application Pub. No. 2008/0168384 to Platzer et al. (“ Platzer ”)
1046	U.S. Patent No. 7,479,949 to Jobs et al., (“ Jobs ”)
1047	U.S. Patent Application Pub. No. 2008/0143685 to Lee et al. (“ Lee ”)
1048	File History of U.S. Patent No. 8,200,265
1049	U.S. Patent No. 8,200,265 to Carlton et al. (“ the ’265 patent ”)
1050	File History of U.S. Patent No. 8,478,207
1051	U.S. Patent No. 8,478,207 to Carlton et al. (“ the ’207 patent ”)
1052	N/A
1053	Bluetooth Specification Version 1.1, Vol. 1, “Core” (Feb. 22, 2001)
1054	European Patent Application Pub. No. 1,489,783 to Anders Angelhag (“ Angelhag ”)
1055	U.S. Patent Application Pub. No. 2005/0289195 to Lehtola et al. (“ Lehtola ”)

No.	Description
1056	N/A
1057	Information Disclosure Statement for Lehtola filed June 23, 2004
1058	Affidavit of Nathaniel E. Frank-White, Records Request Processor at the Internet Archive (“Frank-White”) Authenticating Exhibits 1014-1015, 1053, and 1060-1062
1059	Affidavit of Scott Delman, Director of Publication at the Association for Computing Machinery Authenticating Exhibit 1020
1060	User Guide for Nokia N91 (2006)
1061	User Guide for Nokia N75 (2006)
1062	User Guide for Nokia 9300 (2005)
1063	N/A
1064	User Guide for the Sony CLIE (2001)
1065	David Pogue, iPhone The Missing Manual (1 st ed. Aug. 2007)
1066	U.S. Provisional Patent Application No. 61/140,126 to Carlton et al. (“ the ’126 provisional ”)
1067	U.S. Patent Application Pub. No. 2007/0011335 to Burns et al. (“ Burns ”)
1068	Yardena Arar, <i>Bluetooth to work with Wi-Fi</i> , NetworkWorld (February 12, 2008)
1069	Staff’s Proposed Claim Constructions, <i>Certain Electronic Devices, Including Smartphones, Computers, Tablet Computers, And Components Thereof</i> , Inv. No. 337-TA-1373 (Dec. 4, 2023)
1070	InterDigital’s Proposed Claim Constructions, <i>Certain Electronic Devices, Including Smartphones, Computers, Tablet Computers, And Components Thereof</i> , Inv. No. 337-TA-1373 (Nov. 30, 2023)
1071	U.S. Patent No. 8,737,933 (“ the ’933 Patent ”)
1072	File History of U.S. Patent No. 8,737,933

No.	Description
1073	U.S. Patent Application No. 12/128,497 to Ahya et al. (“ As-Filed Ahya Application ”)
1074	U.S. Patent Application Pub. No. 2005/0281237 to Heinonen et al. (“ Heinonen ”)
1075	Full Claims Listing (1, 3-10, 12, 14-15, 21, 23, 25-32, 34, 36-37, 43, 46-47, 49-50)
1076	U.S. Patent No. 7,102,640 to Aholainen et al. (“ Aholainen ”)
1077	Bluetooth Technology To Harness The Speed Of 802.11, Feb 11, 2008
1078	Megowan et al., Infrared Data Association® (IrDA®) Object Exchange Protocol OBEX™ Version 1.5 (Aug. 14, 2009).
1079	U.S. Patent No. 7,333,514 to Anehem et al. (“ Anehem ”)
1080	U.S. Patent Application No. 11/804,359 to McKillop et al. (“ As-Filed McKillop Application ”)
1081	Defendant Lenovo’s Supplemental Notice Regarding Prior Art Invalidity Grounds, Document No. 96, Case No. 5:23-cv-00493 (E.D.N.C.)
1082	United States District Courts Judicial Caseload Profile
1083	Declaration of Shelby A. Stepper

I. INTRODUCTION

Petitioner respectfully requests that the Patent Trial and Appeal Board (“Board”) recognize Shelby A. Stepper as *pro hac vice* counsel for this proceeding. Patent Owner has indicated that it does not oppose. In view of this Corrected Motion, Petitioner respectfully requests to withdraw its original Unopposed Motion for Admission *Pro Hac Vice* of Shelby A. Stepper (Paper 27).

II. BACKGROUND

This Corrected Unopposed Motion for Admission *Pro Hac Vice* of Shelby A. Stepper is being filed following Board guidance provided in an email to counsel for the parties dated November 1, 2024. Petitioner is concurrently filing with this motion a Corrected Declaration of Shelby A. Stepper (EX1084), an updated power of attorney, and updated mandatory notices.

This Corrected Unopposed Motion for *Pro Hac Vice* Admission is being filed pursuant to and in compliance with the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, which was filed December 28, 2023 (Paper 3) (the “Notice”). The Notice authorizes the parties to

file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c)¹. Further to the Notice, such “motions shall be filed in accordance with the ‘Order – Authorizing Motion for *Pro Hac Vice* Admission’ in Case IPR2013-00639, Paper 7” (the “Order”).

III. TIME OF FILING

This Corrected Motion for *Pro Hac Vice* admission is being filed in accordance with the Notice (Paper 3) Authorizing the Filing of a Motion for *Pro Hac Vice* admission and is filed greater than 21 days after the filing date accorded to the petition for *inter partes* review of December 20, 2023.

IV. STATEMENT OF FACTS

As required by the Order, the following statement of facts, supported by the attached Corrected Declaration of Shelby A. Stepper in Support of Motion for *Pro Hac Vice* Admission (EX1084), shows that there is good cause for the Board to recognize Shelby A. Stepper as *pro hac vice* counsel in this proceeding. As required by 37 C.F.R. § 42.10(c), lead counsel, Andrew M. Mason, is a registered practitioner

¹ The Rule was amended, effective November 12, 2024. *See*, Expanding Opportunities to Appear Before the Patent Trial and Appeal Board, 89 Fed. Reg. 82172-82179 (Oct. 10, 2024) (to be codified as 37 C.F.R. § 42.10(c)).

experienced in proceedings before the United States Patent and Trademark Office (“USPTO”).

Shelby A. Stepper is an experienced patent litigation attorney. *See* EX1084, ¶ 9. Shelby A. Stepper has been involved in numerous patent litigation cases in federal courts. *See id.* Shelby A. Stepper’s experience includes representing a wide range of clients in complex intellectual property litigation. *See id.*

Shelby A. Stepper is a member in good standing of the Oregon State Bar, with no suspensions or disbarments from practice before any court or administrative body, nor any application for admission to practice before any court or administrative body denied, nor any sanctions or contempt citations by any court or administrative body, and is admitted to practice in the United States Court of Appeals for the Federal Circuit. *See id.*, ¶¶ 1-5.

Shelby A. Stepper’s mailing address is Klarquist Sparkman, LLP, 121 SW Salmon Street, Suite 1600, Portland, Oregon, 97204, her email address is shelby.stepper@klarquist.com, and her phone number is (503) 595-5300.

Shelby A. Stepper, through working with lead counsel in this proceeding, has reviewed and is very familiar with (i) U.S. Patent No. 9,173,054, the patent at issue in this proceeding; (ii) the prior art relied upon in Petitioner’s Petition; (iii) the legal and factual arguments that have been addressed by Petitioner; and (iv) the developments in this proceeding since the filing of Petitioner’s Petition, as well as

the developments in related matters before the Board. Accordingly, she has established legal and technical familiarity with the subject matter at issue in this proceeding, as well as familiarity with the conduct of this proceeding to date. *See id.*, ¶ 10.

Shelby A. Stepper has read and will comply with the USPTO Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R., and she agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§11.1 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). *See id.*, ¶¶ 6-7. Further, she has agreed that, if admitted *pro hac vice* in this proceeding, for the duration of this proceeding she will notify the Board in writing within five business days upon the occurrence of any event listed in 37 C.F.R. § 42.310(c)(3). *Id.*, ¶ 11.

In the last three (3) years, Shelby A. Stepper has applied to appear *pro hac vice* before the USPTO in the following proceedings:

- *Abbott Diabetes Care Inc. v. Dexcom, Inc.*, IPR2022-00908, Paper 8, filed July 6, 2022 (the Board never issued an order deciding this motion);

- *Microsoft Corporation v. InterDigital Patent Holdings, Inc.*,
IPR2024-00305, Paper 27, filed October 24, 2024 (a Corrected
Motion is being filed on November 15, 2024).

See id., ¶ 8.

V. ANALYSIS

The facts described above and in the Corrected Declaration of Shelby A. Stepper (EX1084) establish that there is good cause to admit Ms. Stepper *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Lead counsel is a registered practitioner, Shelby A. Stepper is an experienced patent litigation attorney, and Ms. Stepper has an established legal and technical familiarity with the subject matter at issue in this proceeding.

VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board recognize Shelby Stepper as *pro hac vice* counsel for this proceeding. Further, in view of the filing of this Corrected Motion, Petitioner respectfully requests to withdraw its original Unopposed Motion for Admission *Pro Hac Vice* of Shelby A. Stepper (Paper 27).

Respectfully submitted,

Dated: November 15, 2024

By: /Andrew M. Mason/
Andrew M. Mason (Reg. No. 64,034)
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Petitioner

**CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6 (E)(4)**

The undersigned certifies that on November 15, 2024, a complete copy of
**PETITIONER'S CORRECTED UNOPPOSED MOTION FOR ADMISSION
PRO HAC VICE OF SHELBY A. STEPPER PURSUANT TO 37 C.F.R. §
42.10(c)** was served on counsel for the Patent Owner via electronic mail as follows:

Scott W. Hejny
Richard A. Kamprath
McKool Smith P.C.
300 Crescent Court, Suite 1200
Dallas, TX 75201
Email: shejny@mckoolsmith.com
rkamprath@mckoolsmith.com
IDG_Microsoft_IPRs@mckoolsmith.com

George T. Fishback, Jr.
McKool Smith P.C.
303 Colorado Street, Suite 2100
Austin, TX 78701
Email: gfishback@mckoolsmith.com
IDG_Microsoft_IPRs@mckoolsmith.com

By: /Andrew M. Mason/
Andrew M. Mason (Reg. No. 64,034)
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Petitioner