

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

COBBLESTONE WIRELESS LLC,
Patent Owner.

Case IPR2024-00319
Patent 8,891,347

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

EXHIBIT LIST	
2001	<i>Cobblestone Wireless, LLC v. Samsung Electronics Co., LTD et al.</i> , No. 2:22-cv-00285 (E.D. Tex., docket entry dated Oct. 17, 2023) [District-Litigation-Docket]
2002	<i>T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00136, Paper 1 (IPR Petition) (PTAB Dec. 4, 2023) [IPR2024-00136-Petition]
2003	Federal Court Management Statistics for the Eastern District of Texas through December 2023, <i>available at</i> https://www.uscourts.gov/statistics-reports/federal-court-management-statistics-december-2023 [Trial-Statistics]
2004	<i>Cobblestone Wireless, LLC v. T-Mobile USA, Inc.</i> , No. 2:22-cv-00477, Dkt. No. 1 (Complaint for Patent Infringement) (E.D. Tex. Dec. 16, 2022) [T-Mobile-Complaint]
2005	<i>Cobblestone Wireless, LLC v. AT&T Servs. Inc. et al.</i> , No. 2:22-cv-00474, Dkt. No. 1 (Complaint for Patent Infringement) (E.D. Tex. Dec. 15, 2022) [AT&T-Complaint]
2006	<i>Cobblestone Wireless, LLC v. Cellco P'ship d/b/a Verizon Wireless</i> , No. 2:22-cv-00478, Dkt. No. 1 (Complaint for Patent Infringement) (E.D. Tex. Dec. 16, 2022) [Verizon-Complaint]
2007	<i>Cobblestone Wireless, LLC v. Cellco P'ship d/b/a Verizon Wireless</i> , No. 2:22-cv-00478, Dkt. No. 11 (Proof of Service of Summons to Cellco Partnership d/b/a/ Verizon Wireless) (E.D. Tex. Dec. 23, 2022) [Verizon-Proof-of-Service]
2008	<i>Cobblestone Wireless, LLC v. AT&T Servs. Inc. et al.</i> , No. 2:22-cv-00474, Dkt. No. 12 (Proof of Service of Summons to AT&T Mobility LLC) (E.D. Tex. Dec. 23, 2022) [AT&T-Mobility- Proof-of-Service]
2009	<i>Cobblestone Wireless, LLC v. AT&T Servs. Inc. et al.</i> , No. 2:22-cv-00474, Dkt. No. 13 (Proof of Service of Summons to AT&T Services Inc.) (E.D. Tex. Dec. 23, 2022) [AT&T-Proof-of-Service]
2010	<i>Cobblestone Wireless, LLC v. AT&T Servs. Inc. et al.</i> , No. 2:22-cv-00474, Plaintiff Cobblestone Wireless, LLC's Preliminary Disclosure of Asserted Claims and Infringement Contentions (E.D. Tex., served Mar. 13, 2023) [ATT-Infringement-Contentions]

EXHIBIT LIST	
2011	<i>Cobblestone Wireless, LLC v. Cellco P'Ship d/b/a Verizon Wireless</i> , No. 2:22-cv-00478, Plaintiff Cobblestone Wireless, LLC's Preliminary Disclosure of Asserted Claims and Infringement Contentions (E.D. Tex., served Mar. 13, 2023) [Verizon-Infringement-Contentions]
2012	<i>Cobblestone Wireless, LLC v. T-Mobile USA, Inc.</i> , No. 2:22-cv-00477, Plaintiff Cobblestone Wireless, LLC's Preliminary Disclosure of Asserted Claims and Infringement Contentions (E.D. Tex., served Mar. 13, 2023) [T-Mobile-Infringement-Contentions]
2013	<i>Cobblestone Wireless, LLC v. Samsung Electronics Co., LTD et al.</i> , No. 2:22-cv-00285, Defendant Samsung Electronics Co. LTD. and Samsung Electronics America, Inc.'s Preliminary Invalidity Contentions for U.S. Patent No. 8,891,347 (E.D. Tex., served Dec. 27, 2023) [Invalidity-Contentions]
2014	<i>Cobblestone Wireless, LLC v. T-Mobile USA, Inc.</i> , No. 2:22-cv-00477, Dkt. No. 11 (Unopposed Application for Extension of Time to Answer Complaint) (E.D. Tex. Dec. 22, 2022) [T-Mobile-Ext]
2015	<i>T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00135, Paper 1 (IPR Petition) (PTAB Nov. 22, 2023) [IPR2024-00135-Petition]
2016	<i>T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00137, Paper 1 (IPR Petition) (PTAB Dec. 4, 2023) [IPR2024-00137-Petition]
2017	<i>T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00138, Paper 1 (IPR Petition) (PTAB Nov. 30, 2023) [IPR2024-00138-Petition]
2018	Reserved
2019	<i>Cobblestone Wireless, LLC v. Samsung Electronics Co. et al.</i> , No. 2:23-cv-00285, Dkt. No. 39 (Order Granting Motion to Amend Docket Control Order) (E.D. Tex. Dec. 29, 2023) [Samsung-Docket-Control-Order]
2020	<i>T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00136, Paper 12 (POPR) (PTAB Mar. 11, 2024) [IPR2024-00136-POPR]
2021	<i>Cobblestone Wireless, LLC v. Samsung Electronics Co. et al.</i> , No. 2:23-cv-00285, Dkt. No. 1 (Complaint for Patent Infringement) (E.D. Tex. June 16, 2023) [Samsung-Complaint]
2022	<i>Cobblestone Wireless, LLC v. Samsung Electronics Co. et al.</i> , No. 2:23-cv-00285, Dkt. No. 6 (Proof of Service) (E.D. Tex. June 16, 2023) [Samsung-

EXHIBIT LIST	
	Proof-of-Service]
2023	<i>Samsung Elecs. Am., Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00315, Paper 3 (IPR Petition) (PTAB Dec. 18, 2023) [IPR2024-00315-Petition]
2024	<i>Samsung Elecs. Am., Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00316, Paper 3 (IPR Petition) (PTAB Dec. 18, 2023) [IPR2024-00316-Petition]
2025	<i>Samsung Elecs. Am., Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00317, Paper 3 (IPR Petition) (PTAB Dec. 18, 2023) [IPR2024-00317-Petition]
2026	<i>Samsung Elecs. Am., Inc. et al. v. Cobblestone Wireless, LLC</i> , IPR2024-00318, Paper 3 (IPR Petition) (PTAB Dec. 18, 2023) [IPR2024-00318-Petition]
2027	<i>Cobblestone Wireless, LLC v. Samsung Electronics Co. et al.</i> , No. 2:23-cv-00285, Plaintiff Cobblestone Wireless, LLC’s Preliminary Disclosure of Asserted Claims and Infringement Contentions (E.D. Tex., served Sept. 23, 2023) [Infringement-Contentions]
2028	Reserved
2029	<i>Cobblestone Wireless, LLC v. T-Mobile USA, Inc.</i> , No. 2:22-cv-00477 (lead case), Defendants’ and Intervenor’s Preliminary Invalidity Contentions for U.S. Patent No. 8,891,347 (E.D. Tex., served May 12, 2023) [Carrier-Invalidity-Contentions]
2030	Declaration of Nathan Lowenstein in Support of Motion for <i>Pro Hac Vice</i> Admission

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U.S. Patent & Trademark Office
P.O. Box 1450
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I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Cobblestone Wireless LLC (“Patent Owner”) respectfully requests that the Board admit Nathan Nobu Lowenstein *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 Nathan Nobu Lowenstein, submitted herewith as Exhibit 2030, Patent Owner requests the *pro hac vice* admission of Nathan Nobu Lowenstein in this proceeding:

1. Patent Owner's lead counsel, Reza Mirzaie is a registered practitioner (Reg. No. 69,138). Patent Owner's first-back up counsel, Kenneth J. Weatherwax (the undersigned), is also a registered practitioner (Reg. No. 54,528).

2. Mr. Lowenstein is a partner at the law firm of Lowenstein & Weatherwax LLP. Ex. 2030 ¶ 8.

3. Mr. Lowenstein is an experienced litigator, and the majority of his 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. *Id.* ¶ 9. Representative patent litigations where Mr. Lowenstein has 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.).

Ex. 2030 ¶ 9.

4. Mr. Lowenstein's experience in post-grant patent proceedings includes drafting patent owner responses, taking depositions, and presenting oral arguments before the Board. *Id.* ¶ 10. Representative matters where Mr. Lowenstein is or was actively involved include:

- *Google LLC v. Security First Innovations LLC* (IPR2024-00214, -00215).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2023-01151, -01232, -01325).
- *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).

Ex. 2030 ¶ 10.

5. Mr. Lowenstein has an established familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 14. Mr. Lowenstein has reviewed the Patent at issue as well as the Petition and the relevant art. *Id.*

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

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

8. No application of Mr. Lowenstein 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. Lowenstein by any court or administrative body. *Id.* ¶ 5.

10. Mr. Lowenstein 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. Lowenstein 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. Lowenstein has previously been admitted to appear, *pro hac vice*, in the following matters before the U.S.P.T.O.:

- *Google LLC v. Security First Innovations LLC* (IPR2024-00214, -00215).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2023-01151, -01232, -01325).
- *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).

Ex. 2030 ¶ 11.

13. Mr. Lowenstein has 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).
- *Intel Corp. v. Future Link Sys., LLC* (IPR2016-01400).

Ex. 2030 ¶ 12.

14. Mr. Lowenstein has previously applied for *pro hac vice* admission in the following matters, but it is currently pending:

- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2024-00390).

Ex. 2030 ¶ 13.

15. Mr. Lowenstein is concurrently applying for *pro hac vice* admission in the following matters:

- *Samsung Electronics America, Inc., Samsung Electronics Co., Ltd. v. Cobblestone Wireless LLC* (IPR2024-00136).

Id. ¶ 14.

16. Other than the matters identified in ¶¶ 12-15, *supra*, Mr. Lowenstein has not applied to appear *pro hac vice* in any other proceedings before the U.S.P.T.O. in the last three years.

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF NATHAN NOBU LOWENSTEIN.

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 Nathan Nobu Lowenstein (Ex. 2030), establish that there is good cause to admit Mr. Lowenstein *pro hac vice* in this proceeding. Patent Owner's lead and first back-up counsel are registered practitioners. Mr. Lowenstein has extensive experience in patent litigation and post-grant patent proceedings. 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. Lowenstein *pro hac vice* in this proceeding.

Respectfully submitted,

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

Date: April 11, 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 COBBLESTONE WIRELESS LLC'S
MOTION FOR *PRO HAC VICE* ADMISSION
OF NATHAN NOBU LOWENSTEIN
UNDER 37 C.F.R. § 42.10(c)**

EXHIBIT 2030

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

James M. Glass
Quincy Lu
Jason Williams

jimglass@quinnemanuel.com
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Respectfully submitted,

/ Gwynneth Orlino /

Date: April 11, 2024