

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
and QUALCOMM INCORPORATED,
Petitioner,¹

v.

NETWORK SYSTEM TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-00338
Patent 7,373,449 B2

Before CHARLES J. BOUDREAU, JOHN R. KENNY, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for
Pro Hac Vice Admission of Peter M. Kohlhepp
37 C.F.R. § 42.10

¹ Qualcomm Incorporated filed a petition and a motion for joinder in IPR2024-01081 and has been joined as a petitioner in this proceeding. After Qualcomm Incorporated was joined as a petitioner, Samsung Electronics Co., Ltd. was terminated as a petitioner. *See* Paper 17.

On October 11, 2024, Petitioner filed a motion requesting *pro hac vice* admission of Peter M. Kohlhepp. Paper 22 (“Motion” or “Mot.”). The Motion is supported by Mr. Kohlhepp’s declaration. Ex. 1032 (“Declaration”). Petitioner states that Patent Owner does not oppose the Motion. Mot. 1.

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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing that there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Petitioner has established good cause for *pro hac vice* admission of Mr. Kohlhepp. Mr. Kohlhepp will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney identifying Mr. Kohlhepp according to 37 C.F.R. § 42.10(b). Paper 21. Petitioner has not, however, submitted a mandatory notice identifying Mr. Kohlhepp as back-up counsel according to 37 C.F.R. § 42.8(b)(3).

ORDER

Accordingly, it is

ORDERED that Petitioner’s Motion for *pro hac vice* admission of Peter M. Kohlhepp is *granted*;

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. Kohlhepp as back-up counsel according to 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent Petitioner as lead counsel;

FURTHER ORDERED that Mr. Kohlhepp is authorized to represent Petitioner as back-up counsel only;

FURTHER ORDERED that Mr. Kohlhepp shall comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide² (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Kohlhepp is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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