

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 Patent Owner's Motion for
Pro Hac Vice Admission of Peter C. Krusiewicz
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. *See* Paper 16. After Qualcomm Incorporated was joined as a petitioner, Samsung Electronics Co., Ltd. was terminated as a petitioner. *See* Paper 17.

On January 29, 2025, Patent Owner filed a motion requesting *pro hac vice* admission of Peter C. Krusiewicz. Paper 45 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Mr. Krusiewicz in support of the Motion. Ex. 2086 (“Declaration”). Petitioner has not opposed the Motion. For the reasons explained below, we grant Patent Owner’s Motion.

Under 37 C.F.R. § 42.10(c)(1), 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* 37 C.F.R. § 42.10(c)(1); *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (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 Mr. Krusiewicz meets the requirements for admission *pro hac vice*. *See* Ex. 2086.² Patent Owner has established good

² In paragraph 7 of the Declaration, Mr. Krusiewicz states, “In the last three (3) years, I have appeared *pro hac vice* before the Office. I appeared *pro hac vice* in *Qualcomm Incorporated v. Network System Technologies, LLC*, IPR2024-00343.” Mr. Krusiewicz does not specify, however, all other proceedings before the Office for which he has **applied** for admission *pro hac vice* in the past three years. In light of his representation that he has never been denied an application for admission to practice before an administrative body (Ex. 2086 ¶ 3), we will accept Mr. Krusiewicz’s declaration as representing that IPR2024-00343 is the only instance in which he has applied for *pro hac vice* admission before the Office in the three-year period before the Motion was filed. *See Unified Patents*, Paper 7 at 3

cause for *pro hac vice* admission of Mr. Krusiewicz. Mr. Krusiewicz will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Patent Owner filed a Power of Attorney designating Mr. Krusiewicz according to 37 C.F.R. § 42.10(b). Paper 26. Patent Owner also filed a Mandatory Notice identifying Mr. Krusiewicz as back-up counsel according to 37 C.F.R. § 42.8(b)(3). Paper 25.

Accordingly, it is

ORDERED that Patent Owner's Motion (Paper 45) for *pro hac vice* admission of Peter C. Krusiewicz is granted;

FURTHER ORDERED that, if Mr. Krusiewicz has applied to appear before the Office *pro hac vice* in any proceedings other than IPR2024-00343 in the three-year period prior to the filing of the Motion, within five (5) business days from the issuance of this Order, Patent Owner and Mr. Krusiewicz shall file a notice identifying the proceedings before the Office where, during that three-year period, he applied for *pro hac vice* admission;

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

FURTHER ORDERED that Mr. Krusiewicz is authorized to represent Patent Owner as back-up counsel only;

(at 2.b.vii). If our understanding is incorrect, however, Patent Owner and Mr. Krusiewicz shall file a notice correcting our understanding within five (5) business days from the issuance of this Order, identifying the proceedings before the Office in which Mr. Krusiewicz filed an application for *pro hac vice* admission during that three-year period.

FURTHER ORDERED that Mr. Krusiewicz shall comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide³ (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. Krusiewicz 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 at 37 C.F.R. §§ 11.101–11.901.

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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