

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED and
SAMSUNG ELECTRONICS CO., LTD.,
Petitioners,

v.

NETWORK SYSTEM TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2024-00343
U.S. Patent No. 7,594,052

**PETITIONER QUALCOMM INCORPORATED'S UNOPPOSED MOTION
FOR *PRO HAC VICE* ADMISSION OF PETER M. KOHLHEPP**

Pursuant to the Notice in this case authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Petitioner Qualcomm Incorporated hereby respectfully moves for the *pro hac vice* admission of Peter M. Kohlhepp due to his experience representing Petitioner Qualcomm in other patent-related matters concerning Petitioner Qualcomm's technology and his familiarity with the technical and substantive issues involved in this proceeding. The parties have conferred, and the Patent Owner does not oppose this Motion.

In support of this motion, Petitioner states as follows:

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 the Board may impose. 37 C.F.R. § 42.10(c). A motion for *pro hac vice* admission may be granted where a party shows that “counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.*

Good cause exists under 37 C.F.R. § 42.10(c) for the *pro hac vice* admission of Peter M. Kohlhepp as backup co-counsel in this matter. Mr. Kohlhepp is assisting in the representation of Qualcomm in a related patent infringement action in the Western District of Texas (Civil Action. No. 1:22-cv-01331 (DAE), filed December 19, 2022) involving the same parties and the same patent at issue in this proceeding. Mr. Kohlhepp has developed an intimate familiarity with the patents at issue, and the Petitioner wishes to have Mr. Kohlhepp continue representing it in this matter before the Board.

In addition, Mr. Kohlhepp has previously been admitted *pro hac vice* and participated in many other IPR proceedings, developing a familiarity with IPR statutes, regulations, and practice in the process.

The Petitioner has invested significant financial resources in the related proceedings described above. If this motion was denied, the Petitioner would be

prejudiced because it would have to undertake the burdensome and costly task of educating another attorney regarding the patent at issue in this proceeding, and the related evidence. The Petitioner respectfully requests that the Board avoid this prejudice and grant this Motion.

Pursuant to the requirements of 37 C.F.R. § 42.10(c), J. Derek Vandenburg, a registered practitioner, will remain as lead counsel in this matter. Mr. Vandenburg is a partner at Carlson Caspers, the same law firm that is representing the Petitioner in the related federal court action involving the patent at issue here, as well as the patent at issue in *inter partes* review proceeding IPR2024-01081. Mr. Kohlhepp has worked with Mr. Vandenburg on other similar matters.

Pursuant to the order in this IPR authorizing motions for *pro hac vice* and the requirements of the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, this Motion is also supported by the Declaration of Peter M. Kohlhepp (Exhibit 1028), filed herewith.

In the Declaration of Peter M. Kohlhepp (Ex. 1028), Mr. Kohlhepp attests that he has read and will comply with the Patent Office Trial Practice Guide and the Board’s Rules of Practice set forth in 35 C.F.R. § 42. Mr. Kohlhepp further attests that he agrees to be subject to the USPTO’s Rules of Professional Conduct

as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

For the foregoing reasons, and in view of the Declaration submitted herewith, Petitioner Qualcomm submits that good cause exists for the *pro hac vice* admission of Peter M. Kohlhepp and respectfully requests that the Board grant this motion.

Dated: August 26, 2024

Respectfully submitted,

/J. Derek Vandenburg /

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Counsel for Petitioner

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and the agreement of the parties, the undersigned certifies that on August 26, 2024, a true and correct copy of the foregoing *Petitioner's Unopposed Motion for Pro Hac Vice Admission of Peter M. Kohlhepp*, along with the accompanying Exhibit 1028, was served via electronic mail upon the following:

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