

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDIATEK INC.,
Petitioner,

v.

MOSAID TECHNOLOGIES INC.,
Patent Owner.

Case IPR2024-00599
Patent 7,224,563

**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF
DAVID A. NEAL UNDER 37 C.F.R. §42.10(c)**

I. STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.10(c), Patent Owner MOSAID Technologies Inc. requests that the Board admit David A. Neal *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* IN THE PROCEEDING

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 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 facts, supported by the attached Declaration of David A. Neal (Ex. 2010) establish good cause to admit Dr. Neal *pro hac vice* in this proceeding:

1. Lead counsel, David W. Higer, is a registered practitioner (Reg. No. 74,910).

2. Dr. Neal received a Ph.D. in Electrical Engineering from Utah State University in 2017. *Id.* at ¶8. He has intimate familiarity with the technology at issue by virtue of his education. *Id.* at ¶¶8–9. In addition, Dr. Neal is experienced with the subject matter and patent-at-issue in this proceeding, U.S. Patent No. 7,224,563 (the

“’563 patent”), including its prosecution history and the scientific field to which the ’563 patent is addressed. *Id.* at ¶8. Dr. Neal represents Patent Owner in the related district court proceeding, but has not yet made an appearance in this Texas federal court proceeding out of an abundance of caution while he finalizes his admission based on the recent approval of his application to the Texas State Bar. *Id.* at ¶¶1, 9. Additionally, if this motion is granted, Dr. Neal will qualify as a Legal Experience and Advancement Program (LEAP) practitioner. *Id.* at ¶11.

3. Dr. Neal also is a litigation attorney with more than 4 years of experience in private practice. Ex. 2010 at ¶11. Dr. Neal is a member in good standing of the State Bars of Virginia, Arizona, and the District of Columbia. *Id.* at ¶1. Dr. Neal has experience with patent litigation, having served as counsel in complex patent litigation matters, including claim construction and other patent-related pleadings concerning patent invalidity and infringement issues. *Id.* at ¶11.

4. He is also admitted to practice in the U.S. District Courts for the Eastern District of Texas. *Id.* at ¶1. He has had no suspensions or disbarments from practice before any court or administrative body. *Id.* at ¶2. No court or administrative body has denied any application for Dr. Neal’s admission to practice before it. *Id.* at ¶3. No court or administrative body has imposed any sanctions or contempt citations on Dr. Neal. *Id.* at ¶4.

5. Dr. Neal has not previously applied to appear *pro hac vice* in any IPR proceedings. *Id.* at ¶7. He also is studying for the USPTO Bar Exam and plans to take it in 2024 or early 2025. *Id.* at ¶1.

6. Dr. Neal has experience advising clients on the validity and infringement of patents, working with experts, and developing strategies related to the prosecution and enforcement of patents. *Id.* at ¶10.

7. Dr. Neal has read and will comply with the Office Patent Trial Guide and the Board's Rules for Practices for Trials set forth in Part 42 of Title 37 of the Code of Federal Regulations, and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§11.101 *et seq.* and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). *Id.* at ¶¶5-6.

III. STATEMENT OF REASONS FOR THE RELIEF REQUESTED

The facts stated above, as supported by the Declaration of David A. Neal, establish that there is good cause to admit Dr. Neal *pro hac vice* in this proceeding under 37 C.F.R. §42.10(c). Patent Owner's Lead Counsel, David W. Higer, is a registered practitioner (Reg. No. 74,910).

Dr. Neal is a litigating attorney who has familiarity with the subject matter at issue in the proceeding, including the '563 patent, the parties' written submissions, and the cited references. In view of Dr. Neal's knowledge of the '563 patent, parties' written submissions, and cited references, admission of Dr. Neal will allow him to

participate in the IPR. It also will further the USPTO's commitment to fostering a strong and vital patent system because it will allow Dr. Neal to gain experience in this proceeding as a LEAP practitioner.

IV. CONCLUSION

For all of the reasons set forth above, Patent Owner respectfully requests that the Board admit David A. Neal *pro hac vice* in this proceeding.

Dated: October 30, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on October 30, 2024, I electronically filed the foregoing document and caused to be served a copy of the same on counsel for Petitioner at the following e-mail address, as authorized in the Petition:

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Dated: October 30, 2024

By: *David W. Higer*

David W. Higer