

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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QUALCOMM INCORPORATED,

Petitioner,

v.

COBBLESTONE WIRELESS, LLC,

Patent Owner.

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Case No. IPR2024-01336

U.S. Patent No. 7,924,802

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**PETITIONER QUALCOMM INCORPORATED'S MOTION FOR PRO  
HAC VICE ADMISSION OF ARCHIBALD DELEON CRUZ  
UNDER 37 C.F.R. § 42.10(c)**

## EXHIBIT LIST

| Ex.  | Description                                                                                                                                                                                                                                                           |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1001 | U.S. Patent No. 7,924,802 (“’802 Patent”)                                                                                                                                                                                                                             |
| 1002 | Prosecution History for 7,924,802                                                                                                                                                                                                                                     |
| 1003 | Declaration of Dr. Kevin Almeroth                                                                                                                                                                                                                                     |
| 1004 | U.S. Patent Pub. No. 2006/0276146A1 (“Suzuki”)                                                                                                                                                                                                                        |
| 1005 | U.S. Patent Pub. No. 2009/0052556A1 (“Fernandez”)                                                                                                                                                                                                                     |
| 1006 | U.S. Patent Pub. No. 2005/0135312A1 (“Montejo”)                                                                                                                                                                                                                       |
| 1007 | U.S. Patent Pub. No. 2005/0249266A1 (“Brown”)                                                                                                                                                                                                                         |
| 1008 | U.S. Patent No. 6,952,454 (“Jalali”)                                                                                                                                                                                                                                  |
| 1009 | U.S. Patent No. 6,359,868 (“Chen”)                                                                                                                                                                                                                                    |
| 1010 | U.S. Patent No. 7,136,430 (“Morris”)                                                                                                                                                                                                                                  |
| 1011 | U.S. Patent No. 7,460,615 (“Kunysz”)                                                                                                                                                                                                                                  |
| 1012 | U.S. Patent No. 7,133,697 (“Judd”)                                                                                                                                                                                                                                    |
| 1013 | <i>Cobblestone Wireless, LLC v. Samsung Electronics America, Inc. et al.</i> , 2:23-cv-00285-JRG-RSP (E.D. Tex.), Plaintiff Cobblestone Wireless, LLC’s Preliminary Disclosure of Asserted Claims and Infringement Contentions, Exhibit A (served September 28, 2023) |
| 1014 | U.S. Patent No. 8,036,702 (“Etemad”)                                                                                                                                                                                                                                  |
| 1015 | John A. C. Bingham, Multicarrier Modulation for Data Transmission: An Idea Whose Time Has Come, IEEE Comms. Magazine (1990)                                                                                                                                           |
| 1016 | Mischa Schwartz et al., Origins of Carrier Multiplexing - Major George Owen Squeir and AT&T (June 2008)                                                                                                                                                               |
| 1017 | U.S. Patent No. 980,357                                                                                                                                                                                                                                               |

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|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1018 | U.S. Patent No. 980,359                                                                                                                                                                                                                                                                                                                                           |
| 1019 | U.S. Patent No. 980,356                                                                                                                                                                                                                                                                                                                                           |
| 1020 | Nickolas LaSorte et al., The History of Orthogonal Frequency Division Multiplexing (Jan. 2008)                                                                                                                                                                                                                                                                    |
| 1021 | U.S. Patent No. 8,693,525 (“Rick”)                                                                                                                                                                                                                                                                                                                                |
| 1022 | <i>Curriculum Vitae</i> of Dr. Kevin Almeroth                                                                                                                                                                                                                                                                                                                     |
| 1023 | Lathi, Modern Digital and Analog Communication Systems, Third Edition, Oxford University Press (1998)                                                                                                                                                                                                                                                             |
| 1024 | U.S. Patent No. 6,154,661                                                                                                                                                                                                                                                                                                                                         |
| 1025 | Cassan, Gola, “A 3.5 GHz 25 W Silicon LDMOS RFIC power amplifier for WiMAX applications,” 2007 IEEE Radio Frequency Integrated Circuits Symposium                                                                                                                                                                                                                 |
| 1026 | Zyren, “Overview of the 3GPP Long Term Evolution Physical Layer,” July 2007 (available at <a href="https://web.archive.org/web/20081122142941/http://www.freescale.com/files/wireless_comm/doc/white_paper/3GPPEVOLUTIONWP.pdf">https://web.archive.org/web/20081122142941/http://www.freescale.com/files/wireless_comm/doc/white_paper/3GPPEVOLUTIONWP.pdf</a> ) |
| 1027 | U.S. Patent Pub. No. 20070280098                                                                                                                                                                                                                                                                                                                                  |
| 1028 | <i>Cobblestone Wireless, LLC v. Samsung Electronics America, Inc. et al.</i> , 2:23-cv-00285-JRG-RSP (E.D. Tex.), Joint Motion to Amend Docket Control Order (filed August 12, 2024)                                                                                                                                                                              |
| 1029 | Declaration of Archibald Cruz in Support of Motion for Pro Hac Vice Admission                                                                                                                                                                                                                                                                                     |

## **I. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c) and the authorization granted by the Board in Paper Number 5, dated September 11, 2024 (the “Notice”), Petitioner Qualcomm Incorporated (“Petitioner”) respectfully requests that the Board admit Archibald Deleon Cruz of Patterson + Sheridan, L.L.P. to appear *pro hac vice* in this proceeding as back-up counsel. Petitioner has met and conferred with Patent Owner, and Patent Owner does not oppose this motion.

## **II. GOVERNING LAW, RULES, AND PRECEDENT**

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 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

Pursuant to the Notice and in support of the following statement of facts, and supported by the Declaration of Archibald Deleon Cruz, submitted herewith as Exhibit 1029, Petitioner requests the *pro hac vice* admission of Archibald Deleon Cruz in this proceeding:

1. Petitioner's lead counsel, Kyrie K. Cameron (the undersigned), is a registered practitioner (Reg. No. 77,380). Patent Owner's first back-up counsel, Randol Wayne Read, is also a registered practitioner (Reg. No. 43,876).

2. Mr. Cruz is a member in good standing of the State Bar of Texas. *Id.* ¶¶ 1, 2.

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

4. No application of Mr. Cruz for admission to practice before any court or administrative body has ever been denied. *Id.* ¶ 4.

5. Mr. Cruz has never had any sanctions or contempt citations imposed upon him by any court or administrative body. *Id.* ¶ 5

6. Mr. Cruz 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. 1029 ¶ 6.

7. Mr. Cruz 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. 1029 ¶ 7.

8. Mr. Cruz is an experienced litigator, and the majority of his practice has consisted of patent litigation and other patent related matters. *Id.* ¶ 9. Mr. Cruz has been actively involved as patent litigation counsel in the following cases:

- *Pave/Lock/Plus II LLC v. Erosion Prevention Products LLC*, 4:20-cv-03557 (S.D. Tex.);
- *Cobblestone Wireless, LLC v. Cisco Systems, Inc.*, 2:23-cv-00454 (E.D. Tex.);
- *Charge Fusion Technologies, LLC v. Polestar Automotive USA, Inc.*, 1:22-cv-01379 (D. Del); and
- *CloudfChange, LLC v. Lightspeed POS Inc.*, 6:21-cv-01102 (W.D. Tex.).

Ex. 1029 ¶ 9.

9. Mr. Cruz has not applied to appear *pro hac vice* in any other proceeding. *Id.* ¶ 10.

10. Mr. Cruz has an established familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 11. Mr. Cruz has reviewed the patent at issue, the Petition, and the relevant art. *Id.*

#### **IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF ARCHIBALD CRUZ**

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 Archibald Cruz (Ex. 1029), establish that there is good cause to admit Mr. Cruz *pro hac vice* in this proceeding. Petitioner's lead counsel and first back-up counsel are registered practitioners. Mr. Cruz has experience in patent litigation and post-grant patent proceedings. He also has a familiarity with the subject matter at issue, including patents, petitions, and references.

#### **V. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Board admit Archibald Deleon Cruz of Patterson + Sheridan, L.L.P. as counsel *pro hac vice* in this proceeding.

Date: October 4, 2024

Respectfully submitted,

/s/ Kyrie K. Cameron

Kyrie K. Cameron (Reg. No. 77,380)

kcameron@pattersonsheridan.com

Randol Wayne Read (Reg. No. 43,876)

rread@pattersonsheridan.com

*Counsel for Petitioner*

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above document was served on October 4, 2024, by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as delivering a copy via electronic mail upon the following attorneys of record for the Patent Owners:

Reza Mirzaie rmirzaie@raklaw.com  
Amy E. Hayden, ahayden@raklaw.com  
Neil A. Rubin nrubin@raklaw.com  
Pete Tong, ptong@raklaw.com  
Russ, August & Kabat  
12424 Wilshire Blvd. 12th Floor  
Los Angeles, CA 90025  
Tel.: 310-826-7474  
Fax: 310-826-6991

Date: October 4, 2024

*Kyrie K. Cameron*

Kyrie K. Cameron (Reg. No. 77,380)  
kcameron@pattersonsheridan.com  
Randol Wayne Read (Reg. No. 43,876)  
rread@pattersonsheridan.com

*Counsel for Petitioner*