Filed on behalf of:
Patent Owner
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Paper No. ____
Date: October 24, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

SIONYX, LLC,
Patent Owner.

Case IPR2024-01431
Patent 11,069,737 B2

PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF ANDREW P. ZAPPIA UNDER 37 C.F.R. § 42.10

Pursuant to 37 C.F.R. § 42.10, and pursuant to the authorization provided by the United States Patent and Trademark Office's ("USPTO") Patent Trial and Appeal Board (the "Board") in Paper 6, dated October 22, 2024 ("the Notice"), Patent Owner hereby submits this motion for Andrew P. Zappia to appear *pro hac vice* ("Motion"). Patent Owner respectfully requests the Board to recognize Mr. Zappia as counsel *pro hac vice* during this proceeding and demonstrates good cause for doing so as shown below.

I. TIME FOR FILING

Pursuant to the authorization provided in the Notice, this motion for *pro hac vice* admission is being filed no sooner than twenty-one days after service of the Petition for *Inter Partes* Review (the "Petition").

II. STATEMENT OF FACTS

A. Andrew P. Zappia

Pursuant to the Notice, the following statement of facts shows that good cause exists for the Board to recognize Mr. Zappia *pro hac vice*.

Lead counsel for this proceeding, Alison L. McCarthy, is a registered practitioner (Registration No. 51,998).

Back-up counsel for this proceeding, Dustin N. Ferzacca, is a registered practitioner (Registration No. 76,449).

Mr. Zappia is an experienced litigation attorney with over twenty- eight (28) years of litigation experience. EX2001, ¶9. He has been involved in dozens of patent infringement cases in federal district courts across the United States. EX2001, ¶9. He has experience in various aspects of patent infringement matters, including all aspects of litigation leading up to and including jury trials and bench trials. EX2001, ¶9.

Mr. Zappia is a member in good standing of the Bar of the State of New York, the Bar of the District of Columbia, and the Bar of the State of Arizona, and is admitted to practice before the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of Appeals for the Second Circuit, and the following U.S. District Courts: the Western District of New York, the Eastern District of New York, the Southern District of New York, the Northern District of New York, the District of Columbia, the District of Maryland, the District of North Dakota, the Eastern District of Texas, and the District of Arizona. EX2001, ¶2.

Mr. Zappia has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him. EX2001, ¶¶3-5.

Mr. Zappia has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. EX2001, ¶9. Moreover, Mr. Zappia has reviewed the involved patent, the Petition, the prior art, and all

other cited materials. EX2001, ¶9. Given his extensive patent litigation experience and familiarity with the Petition, the cited materials, and the patented technology, Mr. Zappia has established familiarity with the subject matter at issue in this proceeding. *See* EX2001, ¶9.

Mr. Zappia has read and will comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019), and the Board's Rules for Practice 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's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq*., and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). EX2001, ¶¶6-7.

Mr. Zappia is concurrently filing *pro hac vice* motions in related Case Nos. IPR2024-01430. He has also been admitted *pro hac vice* in unrelated Case Nos. IPR2019-00577, IPR2019-0578, IPR2019-00579, IPR2019-00580, IPR2019-00581, IPR2019-00582, IPR2019-01311, IPR2019-01312, IPR2019-01359, IPR2019-01360, IPR2019-01361, IPR2019-01220, IPR2019-01221, IPR2019-01228, IPR2019-01254, IPR2019-01255, IPR2019-01256, IPR2019-01257, IPR2019-01262, IPR2019-01513, IPR2019-01515, IPR2019-01518, IPR2019-01520, IPR2019-01521, IPR2019-01522, IPR2019-01636, IPR2019-01637, IPR2017-00626, IPR2021-01120, IPR2021-01240, IPR2021-01241, IPR2021-01323, IPR2021-01383, IPR2021-01016, IPR2021-00363, IPR2021-00364,

IPR2021-00416, IPR2021-00464, IPR2021-00530, IPR2021-01496, IPR2021-01497, IPR2021-01498, IPR2022-00099, and IPR2022-00476. EX2001, ¶8.

Counsel for Petitioner has informed counsel for Patent Owner that it does not object to the relief requested in this Motion.

Given Mr. Zappia's familiarity with the subject matter at issue in this proceeding, Patent Owner respectfully submits that it has shown good cause for the Board to recognize Mr. Zappia as counsel *pro hac vice* during this proceeding.

III. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion is accompanied by the Declaration of Andrew P. Zappia. *See* EX2001.

IV. REQUISITE FEES

Pursuant to 37 C.F.R. § 42.15(e) and to the Notice, the requisite *pro hac vice* admission fee of $250.00 will be submitted by the Patent Owner for the Board to consider this Motion.

Respectfully submitted,

Date: October 24, 2024

/Alison L. McCarthy/
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that on this 24th day of October, 2024, I caused to be served a true and correct copy of the foregoing **PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF ANDREW P. ZAPPIA UNDER 37 C.F.R. § 42.10** (and **EXHIBIT 2001**) by e-mail on the following counsel of record (as agreed in the Service Information section of the Petition):

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