

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner

v.

QUALCOMM INCORPORATED,
Patent Owner

Case IPR2019-00128
U.S. Patent No. 9,154,356

**PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC*
VICE OF WILLIAM E. DEVITT**

I. Statement Of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 6 authorizing the parties to file motions for *pro hac vice* admissions under 37 C.F.R. § 42.10(c), Patent Owner Qualcomm Incorporated (“Qualcomm” or “Patent Owner”) respectfully requests that the Patent Trial and Appeal Board (the “Board”) admit William E. Devitt *pro hac vice* in this proceeding. Petitioner does not oppose this motion.

II. Statement Of Facts Showing Good Cause For The Board To Recognize Counsel Pro Hac Vice During The Proceeding

In accordance with 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. Section 42.10(c) indicates that “where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize William E. Devitt *pro hac vice* in this proceeding.

1. Lead counsel, David B. Cochran (Reg. No. 39,142), and back-up counsel Matthew W. Johnson (Reg. No. 59,108), Joseph M. Sauer (Reg. No. 47,919),

Joshua R. Nightingale (Reg. No. 67,865), David M. Maiorana (Reg. No. 41,449), and Thomas W. Ritchie (Reg. No. 65,505) are registered practitioners.

2. Counsel, William E. Devitt, is an experienced litigator and has established familiarity with the subject matter at issue in the proceeding.

3. Accompanying this motion as Exhibit 2028 is the Declaration of William E. Devitt in Support of this Motion for Admission Pro Hac Vice (“Devitt Decl.”). In his declaration, Mr. Devitt asserts:

I am a member in good standing of the Bars of the State of Illinois and the District of Columbia, and am admitted to practice before the Northern District of Illinois, Eastern District of Texas, Eastern District of Wisconsin. Devitt Decl. ¶ 3 (Ex. 2028).

4. Mr. Devitt also asserts:

I am familiar with the subject matter at issue in this proceeding, and I have reviewed in detail the papers filed in this proceeding. In addition to the instant proceeding, my firm currently represents Patent Owner in the following other pending cases involving the patent at issue in this proceeding: IPR2019-00047, IPR2019-00048, IPR2019-00049, and IPR2019-00129. I am representing and have represented Patent Owner Qualcomm Inc. in multiple patent-related matters, including Qualcomm Inc. v. Apple Inc., 3:17-cv-02398 (S.D. Cal.), which is

related to and involves the same patent at issue in this proceeding.

Devitt Decl. ¶¶ 11-12 (Ex. 2028).

5. In his declaration, Mr. Devitt also attests to each of the listed items required by the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7. *See* Devitt Decl. ¶¶ 1-13 (Ex. 2028).

III. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that William E. Devitt be admitted *pro hac vice* in this proceeding.

January 21, 2020

Respectfully submitted,

/Joseph M. Sauer/
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*Attorney For Patent Owner,
Qualcomm Incorporated*

UPDATED TABLE OF EXHIBITS

Exhibit	Description
2001	Advisory Action dated June 16, 2014
2002	Request for Continued Examination dated July 17, 2014
2003	Request for Continued Examination dated May 20, 2015
2004	IDS with Examiner's Initials
2005	International Search Report and Written Opinion
2006	Original Claims from the '423 Application
2007	Original Claims from related PCT Application
2008	District Court Scheduling Order
2009	Intel's ITC Statement of Public Interest
2010	ITC Complaint
2011	ITC Scheduling Order
2012	ITC Revised Schedule
2013	U.S. Patent No. 9,161,254
2014	Transcript of the First Deposition of Patrick Fay, Ph.D.
2015	'356 Patent File History – List of References Considered By Examiner
2016	'356 Patent File History – Foreign Reference WO 2012/008705
2017	'356 Patent File History – Foreign Reference GB 2472978
2018	U.S. Pat. No. 10,044,613
2019	Qualcomm Inc., STRATEGIES TO WIN IN LTE AND EVOLVE TO LTE ADVANCED (2013)
2020	U.S. Pat. Pub. No. 2013/0217398

2021	ERIK DAHLMAN ET AL., 4G LTE/LTE-ADVANCED FOR MOBILE BROADBAND (Academic Press 2011) (excerpted)
2022	Qualcomm Carrier Aggregation Infographic (2014)
2023	Google Patents search results for “low noise amplifiers” prior art having a priority date before May 25, 2012
2024	Declaration of Daniel Foty, Ph.D.
2025	THE OXFORD ENGLISH DICTIONARY (Oxford University Press) (2d ed. 1989) (excerpted)
2026	3GPP TS 36.101 V11.0.0, 3RD GENERATION PARTNERSHIP PROJECT; TECHNICAL SPECIFICATION GROUP RADIO ACCESS NETWORK; EVOLVED UNIVERSAL TERRESTRIAL RADIO ACCESS (E-UTRA); USER EQUIPMENT (UE) RADIO TRANSMISSION AND RECEPTION (RELEASE 11), MARCH 2012 (excerpted)
2027	Reserved
2028	Declaration of William E. Devitt in Support of Motion for Admission Pro Hac Vice

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Patent Owner's Unopposed Motion for Admission *Pro Hac Vice* of William E. Devitt and accompanying declaration was served on January 21, 2020 by electronic mail, on the following counsel of record for Petitioner:

David L. Cavanaugh, david.cavanaugh@wilmerhale.com

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