

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

ONE WORLD TECHNOLOGIES, INC.,
D/B/A TECHTRONIC INDUSTRIES POWER EQUIPMENT
Petitioner,

v.

CHERVON (HK) LIMITED,
Patent Owner.

Case IPR2020-00886
U.S. Patent No. 9,826,686

**CHERVON (HK) LIMITED'S MOTION
FOR *PRO HAC VICE* ADMISSION OF
MATTHEW J. LEVINSTEIN UNDER 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Chervon (HK) Limited, (“Chervon”), by and through its attorneys, respectfully requests that the Board admit Matthew J. Levinstein *pro hac vice* in this proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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.

Further, the Board requires that a motion for *pro hac vice* admission be filed in accordance with the “ORDER-AUTHORIZING MOTION FOR PRO HAC VICE ADMISSION – 37 C.F.R. § 42.10” in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case No. IPR2013-00639 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding,” and “[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 the C.F.R;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.*¹ 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

¹ The USPTO Code of Professional Responsibility in 37 C.F.R. § 10.20 *et seq.* was replaced by the USPTO Rules of Professional Conduct in 37 C.F.R. § 11.101 *et seq.*, effective May 3, 2013

proceeding.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Matthew J. Levinstein submitted herewith, Chervon submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Matthew J. Levinstein in this proceeding:

1. Chervon's lead counsel, James J. Lukas, Jr., is a registered practitioner (Reg. No. 59,114).
2. Chervon's backup counsel, Gary Jarosik, Reg. No. 35,906, Keith Jarosik, Reg. No. 47,683, Benjamin P. Gilford, Reg. No. 72,072, and Callie J. Sand, Reg. No. 73,254, are registered practitioners.
3. Mr. Levinstein is a Shareholder at the law firm of Greenberg Traurig, LLP ("Greenberg"). Mr. Levinstein joined Greenberg as an Associate in March 2010. (Declaration of Matthew J. Levinstein in Support of Chervon's Motion for *pro hac vice* Admission of Matthew J. Levinstein under 37 C.F.R. § 42.10(c).)
4. Mr. Levinstein is an experienced litigating attorney and has specific experience in patent law and patent law litigation. Mr. Levinstein has represented clients in numerous patent infringement actions across the country. Mr. Levinstein has litigated matters through trial and appeal.

(*Id.*)

5. Mr. Levinstein is a member in good standing of the Illinois State Bar.

(*Id.*)

6. Mr. Levinstein has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)

7. No application filed by Mr. Levinstein for admission to practice before any court or administrative body has ever been denied. (*Id.*)

8. No sanctions or contempt citations have been imposed against Mr. Levinstein by any court or administrative body. (*Id.*)

9. Mr. Levinstein has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R. (*Id.*)

10. Mr. Levinstein understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id.*)

11. Mr. Levinstein has sought *pro hac vice* admission in the following matters filed by Universal Remote Control, Inc.: IPR Nos. 2014-01082, 01084, 01102, 01103, 01104, 01106, 01109, 01111, 01112, and 01146. Mr. Levinstein has also sought *pro hac vice* admission in the following matters filed by Kranos Corporation d/b/a Schutt

Sports: IPR Nos. 2016-01650, 01649, 01646, and 2017-01530. Mr. Levinstein has not applied to appear *pro hac vice* in any other proceedings before the United States Patent and Trademark Office in the last three (3) years. (*Id.*)

12. Mr. Levinstein has an established familiarity with the subject matter at issue in this, and the other related proceeding noted below. Mr. Levinstein regularly represents Chervon in patent matters. For example, Mr. Levinstein represents Chervon in *Chervon (HK) Limited et al. v. One World Technologies, Inc. et al.*, Case No. 1:19-cv-01293 (D. Del.), which involves the same patent at issue in this IPR. As a result of Mr. Levinstein's representation of Chervon in that matter, Mr. Levinstein has acquired substantial understanding of the underlying technological issues at stake in this matter.

V. GOOD CAUSE EXISTS FOR PRO HAC VICE ADMISSION OF MATTHEW J. LEVINSTEIN

The facts outlined above in the Statement of Facts, and contained in the Declaration of Matthew J. Levinstein, establish that there is good cause to admit Mr. Levinstein *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Chervon's lead and backup counsel are registered practitioners. Mr. Levinstein is an experienced litigating attorney and has an established familiarity with the subject matter at issue in this, and the other related proceeding noted in Section III., Paragraph 12, *supra*.

VI. CONCLUSION

In light of the foregoing, Chervon respectfully requests that the Board admit Matthew J. Levinstein *pro hac vice* in this proceeding.

Dated: May 22, 2020

Respectfully submitted,

/James J. Lukas, Jr./

James J. Lukas, Jr.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the below date, I caused the forgoing to be served by electronic mail to the following:

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Date: May 22, 2020

/James J. Lukas, Jr./