

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., and
AMAZON WEB SERVICES, INC.,
Petitioners,

v.

DIVX, LLC,
Patent Owner.

Case IPR2025-01223
Patent 11,611,785

**PATENT OWNER DIVX, LLC'S
NOTICE OF INTENT TO DESIGNATE PROVISIONALLY
RECOGNIZED PTAB ATTORNEY NATHAN LOWENSTEIN
AS BACKUP COUNSEL UNDER 37 C.F.R. § 42.10(c)(2)**

EXHIBIT LIST

2001	Lowenstein Declaration In Support of Notice of Intent
2002	Woo Declaration In Support of Notice of Intent
2003	Declaration of Dennis J. Courtney in Support of Motion for <i>Pro Hac Vice</i> Admission

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.10(c)(2), Patent Owner DivX, LLC (“Patent Owner”) files this notice of its intent to designate provisionally recognized PTAB attorney Nathan Lowenstein (Mr. Lowenstein) as backup counsel. The facts set forth below and the accompanying Declaration of Nathan Lowenstein, Ex. 2001 (Lowenstein Decl.”), support his *pro hac vice* admission.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c), 37 C.F.R., provides that:

(i) Any counsel who is not a registered practitioner, who has been previously recognized *pro hac vice* in a Board proceeding, and who has not subsequently been denied permission to appear *pro hac vice* in a Board proceeding shall be considered a provisionally recognized PTAB attorney. Provisionally recognized PTAB attorneys shall be eligible for automatic *pro hac vice* admission in subsequent proceedings, subject to the following conditions.

(ii) If a party seeks to be represented in a proceeding by a provisionally recognized PTAB attorney, that party may file a notice of intent to designate a provisionally recognized PTAB attorney as back-up counsel. No fee is required for such a notice. The notice shall:

(A) Identify a registered practitioner who will serve as lead counsel,
and

(B) Be accompanied by a certification in the form of a declaration or affidavit in which the provisionally recognized PTAB attorney attests to satisfying all requirements set forth by the Board for pro hac vice recognition of a provisionally recognized PTAB attorney and agrees to be subject to the USPTO Rules of Professional Conduct set forth in §§ 11.101 et seq. of this chapter and disciplinary jurisdiction under § 11.19(a) of this chapter.

As enumerated in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) (“*Unified Patents Order*”), the Board has further required that counsel seeking to appear *pro hac vice* submit an affidavit or declaration 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

Based on the following statement of facts, and supported by the Declaration of Nathan Lowenstein, submitted herewith as Exhibit 2001, Patent Owner requests the automatic *pro hac vice* admission of Nathan Lowenstein in this proceeding:

1. Patent Owner's lead counsel, Kenneth Weatherwax, is a registered practitioner (Reg. No. 54,528).
2. Mr. Lowenstein is a partner at the law firm of Lowenstein & Weatherwax LLP. Ex. 2001 ¶ 8.
3. Mr. Lowenstein is an experienced litigator, and the majority of his practice has consisted of patent litigation and other patent related matters such as PTAB litigations and matters before the United States Court of Appeals for the Federal Circuit. *Id.* ¶ 9. Representative patent litigations where Mr. Lowenstein has been actively involved as patent litigation counsel include:

- *Microprocessor Enhancement Corp. v. Texas Instruments Inc.*, 8:08-cv-01123 (C.D. Cal.).
- *The Quantum World Corp. v. Atmel Corp.*, 2:07-cv-00024 (E.D. Tex.).
- *St. Jude Med., Inc. v. Access Closure, Inc.*, 4:08-cv-04101 (W.D. Ark.).
- *Tessera, Inc. v. Micron Tech., Inc.*, 2:05-cv-00094 (E.D. Tex.).

Ex. 2001 ¶ 9.

4. Mr. Lowenstein's experience in post-grant patent proceedings includes drafting patent owner responses, taking depositions, and presenting oral arguments before the Board. *Id.* ¶ 10. Representative matters where Mr. Lowenstein is or was actively involved include:

- *International Business Machines Corporation v. Security First Innovations, LLC* (IPR2025-01200, -01201, -01202).
- *Amazon.com Inc. et al v. DivX, LLC* (IPR2025-01062, -01222, -01223).
- *Infineon Technologies Americas Corp. v. MOSAID Technologies Inc.* (IPR2025-01171).
- *NVIDIA Corporation v. Neural AI, LLC* (IPR2025-00606, -00608, -00609, -00610).

- *DirecTV, LLC v. Entropic Communications, LLC* (IPR2024-01061, -01064).
- *MediaTek, Inc. v. MOSAID Technologies Inc.* (IPR2024-00718, -00719, -00720, -00721, -00598, -00599, -00600).
- *Comcast Cable Communications, LLC v. Entropic Communications, LLC* (IPR2025-00180, -00181, -00182; IPR2024-00432, -00433, -00434, -00435, -00436, -00437, -00438, -00439, -00440, -00446, -00452).
- *Cox Communications, Inc. v. Entropic Communications* (IPR2024-00579).
- *DISH Network LLC v. Entropic Communications LLC* (IPR2024-00462, -00560).
- *Google LLC v. Security First Innovations LLC* (IPR2024-00214, -00215).
- *T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC* (IPR2024-00136).
- *Hewlett Packard Enterprise Company and Cisco Systems, Inc., v. Cobblestone Wireless LLC* (IPR2024-00707).
- *Samsung Electronics America, Inc., Samsung Electronics Co., Ltd. v. Cobblestone Wireless LLC* (IPR2024-00319, -00606).

- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2023-01151, -01232, -01325; IPR2024-00390).
- *Volkswagen Group of America, Inc. v. Neo Wireless, LLC* (IPR2022-01567, -01537, -01538, -01539).
- *Samsung Elecs. Co., Ltd. et al. v. Smart Mobile Techs., LLC* (IPR2022-01248).
- *Apple, Inc. v. Smart Mobile Techs. LLC* (IPR2022-00807).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2022-00556).
- *Google LLC v. Neonode Smartphone LLC* (IPR2021-01041).
- *Hulu, LLC v. DivX LLC* (IPR2021-01418, -01419).
- *Patent Quality Assurance, LLC v. VLSI Tech. LLC* (IPR2021-01229).
- *Samsung Elecs. Co., Ltd. et al. v. Neonode Smartphone LLC* (IPR2021-00144).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2021-01527, -01584; IPR2022-00034, -00193).

Ex. 2001 ¶ 10.

5. Mr. Lowenstein has an established familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 17. Mr. Lowenstein has reviewed the Patent at issue as well as the Petition and the relevant art. *Id.*

6. Mr. Lowenstein is a member in good standing of the State Bar of California. *Id.* ¶¶ 1, 2.

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

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

9. No sanctions or contempt citations have ever been imposed against Mr. Lowenstein by any court or administrative body. *Id.* ¶ 5.

10. Mr. Lowenstein 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. 2001 ¶ 6.

11. Mr. Lowenstein 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. 2001 ¶ 7.

12. The following are the most recent prior proceedings in which Mr. Lowenstein was recognized *pro hac vice* before the Board, with admission granted on August 19, 2024:

- *Comcast Cable Communications, LLC v. Entropic Communications, LLC* (IPR2024-00432, -00433, -00434, -00435, -00436, -00437, -00446, -00452); and

- *DISH Network LLC v. Entropic Communications LLC* (IPR2024-00562).

Ex. 2001 ¶ 11.

13. Mr. Lowenstein has previously been admitted to appear, *pro hac vice*, in the following matters before the U.S.P.T.O. within the last three years:

- *Comcast Cable Communications, LLC v. Entropic Communications, LLC* (IPR2024-00432, -00433, -00434, -00435, -00436, -00437, -00438, -00439, -00440, -00446, -00452).
- *DISH Network LLC v. Entropic Communications LLC* (IPR2024-00462, -00562).
- *Google LLC v. Security First Innovations LLC* (IPR2024-00214, -00215).
- *T-Mobile USA, Inc. et al. v. Cobblestone Wireless, LLC* (IPR2024-00136).
- *Hewlett Packard Enterprise Company and Cisco Systems, Inc., v. Cobblestone Wireless LLC* (IPR2024-00707).
- *Samsung Electronics America, Inc., Samsung Electronics Co., Ltd. v. Cobblestone Wireless LLC* (IPR2024-00319, -00606).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2023-01151, -01232, -01325; IPR2024-00390).

- *Samsung Elecs. Co., Ltd. et al. v. Smart Mobile Techs., LLC* (IPR2022-01248).
- *Apple, Inc. v. Smart Mobile Techs. LLC* (IPR2022-00807).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2022-00556).
- *Google LLC v. Neonode Smartphone LLC* (IPR2021-01041).
- *Hulu, LLC v. DivX LLC* (IPR2021-01418, -01419).
- *Patent Quality Assurance, LLC v. VLSI Tech. LLC* (IPR2021-01229).
- *Samsung Elecs. Co., Ltd. et al. v. Neonode Smartphone LLC* (IPR2021-00144).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations, LLC* (IPR2021-01527, -01584; IPR2022-00034, -00193).

Ex. 2001 ¶ 12.

14. Mr. Lowenstein has been previously designated a provisionally recognized pro hac vice PTAB attorney in the following matters:

- *NVIDIA Corporation v. Neural AI, LLC* (IPR2025-00606, -00608, -00609, -00610).

Id. ¶ 13.

15. Mr. Lowenstein has previously applied for admission, *pro hac vice*, in the following matters before the U.S.P.T.O. which were terminated before the application was granted:

- *DISH Network LLC v. Entropic Communications LLC* (IPR2024-00560).
- *Edwards Lifesciences Corp. et al. v. Aortic Innovations LLC* (IPR2022-00549).
- *Patent Quality Assurance, LLC v. VLSI Tech. LLC* (IPR2022-00480).
- *OpenSky Indus., LLC v. VLSI Tech. LLC* (IPR2022-00645).

Id. ¶ 14.

16. Mr. Lowenstein is concurrently applying for *pro hac vice* admission in the following matters:

- *Amazon.com Inc. et al v. DivX, LLC* (IPR2025-01062, -01222).

Id. ¶ 15.

17. Other than the matters identified in ¶¶ 12-16, *supra*, Mr. Lowenstein has not applied to appear *pro hac vice* in any other proceedings before the U.S.P.T.O. in the last three years.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

**PATENT OWNER DIVX, LLC'S
NOTICE OF INTENT TO DESIGNATE PROVISIONALLY
RECOGNIZED PTAB ATTORNEY NATHAN LOWENSTEIN
AS BACKUP COUNSEL UNDER 37 C.F.R. § 42.10(c)(2)**

EXHIBIT 2001

The names and address of the parties being served are as follows:

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Respectfully submitted,

/ Madelyn Zirlin /

Date: August 19, 2025