Filed on behalf of Intuit Inc.

By:
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTUIT INC.,
Petitioner

v.

SAMESURF, INC.,
Patent Owner.

Inter Partes Review No. IPR2023-00339
Patent 9,185,145 B2

PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF GEOFFREY R. MILLER

I. RELIEF REQUESTED

Pursuant to the authorization provided by the Board in Paper No. 5 at page 2, Petitioner Intuit Inc. petitions under 37 C.F.R. § 42.10(c) for the *pro hac vice* admission of Geoffrey R. Miller in this proceeding.

II. GOVERNING LAWS, 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.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Geoffrey R. Miller submitted herewith as Exhibit 1029 ("Ex. 1029"), Petitioner submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Geoffrey R. Miller in this proceeding:

1. This authorized petition is filed more than twenty-one (21) days after Petitioner's service of the PETITION FOR INTER PARTES REVIEW OF U.S. PATENT 9,185,145 (Paper No. 2).

2. Petitioner's current lead counsel, Jennifer R. Bush, is a registered practitioner (Reg. No 50,784).

3. Mr. Miller is an associate at the law firm of Fenwick & West LLP. Ex. 1029 ¶ 3.

4. Mr. Miller is an experienced litigating attorney and has been litigating cases relating to patents for over eight years, prior to which he completed a one-year term clerkship for the Honorable John D. Love, United States Magistrate Judge for the U.S. District Court for the Eastern District of Texas, in which he primarily assisted Judge Love with patent litigation cases. Ex. 1029 ¶ 4.

5. Mr. Miller has an established familiarity with the subject matter at issue in this proceeding. Ex. 1029 ¶ 11-12. He has also reviewed the patent-at-issue and the Petition filed in this case. Ex. 1029 ¶ 11-12.

6. Mr. Miller is a member in good standing of the state bars of California, Texas, and New York. He is also a member in good standing of the state bars of Massachusetts on retired status. Ex. 1029 ¶ 5.

7. Mr. Miller has never been suspended or disbarred from practice before any court or administrative body, with the exception of a single seven-day suspension from the State Bar of Texas for late payment of annual bar dues. Ex. 1029 ¶ 5.

8. No application filed by Mr. Miller for admission to practice before any court or administrative body has ever been denied. Ex. 1029 ¶ 6.

9. No sanctions or contempt citations have been imposed against Mr. Miller by any court or administrative body. Ex. 1029 ¶ 7.

10. Mr. Miller 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 37 C.F.R. Ex. 1029 ¶ 8.

11. Mr. Miller 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). Ex. 1029 ¶ 9.

12. Mr. Miller has not applied to appear *pro hac vice* in any post grant review proceedings before the Office within the last three (3) years. Mr. Miller is concurrently applying to appear *pro hac vice* in *Inter Partes* Review Nos. IPR2023-00341 and IPR2023-00342. Ex. 1029 ¶ 10.

IV. GOOD CAUSE EXISTS FOR THE ADMISSION *PRO HAC VICE* OF MR. MILLER IN THIS PROCEEDING

The facts outlined above in the Statement of Facts, and contained in the Declaration of Geoffrey R. Miller (Ex. 1029), establish that there is good cause to admit Mr. Miller *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Mr. Miller is an experienced litigating attorney, and Mr. Miller has an established familiarity with the subject matter at issue.

V. CONCLUSION

For the foregoing reasons as well as the reasons in the attached declaration, Petitioner Intuit Inc. respectfully requests the *pro hac vice* admission of Geoffrey R. Miller in this proceeding.

August 15, 2023

Respectfully submitted,

FENWICK & WEST LLP

/Jennifer R. Bush /
Jennifer R. Bush
Reg. No. 50,784
Attorneys for Petitioner Intuit Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on August 15, 2023, I caused a true and correct copy of the forgoing PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF GEOFFREY R. MILLER, and supporting **Exhibit 1029** to be served electronically on Patent Owner's lead and back-up counsel at the following addresses::

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