Filed on behalf of Intuit Inc.

By:
JENNIFER R. BUSH, Reg. No. 50,784
MICHAEL J. SACKSTEDER (*pro hac vice*)
GEOFFREY R. MILLER (*pro hac vice*)
DANIEL LEDESMA (*pro hac vice*)
CHRISTOPHER L. LARSON, Reg. No. 68,243
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Telephone: 650.988.8500
Facsimile: 650.938.5200

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. IPR2023-00342
Patent 8,527,591 B2

PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF MICHAEL J. SACKSTEDER

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 Michael J. Sacksteder 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 Michael J. Sacksteder submitted herewith as Exhibit 1028 ("Ex. 1028"), Petitioner submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Michael J. Sacksteder 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 8,527,591 (Paper No. 2).

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

3. Mr. Sacksteder is a partner at the law firm of Fenwick & West LLP. Ex. 1028 ¶ 3.

4. Mr. Sacksteder is an experienced litigating attorney and has been litigating cases relating to patents for over twenty-five years. Ex. 1028 ¶ 4.

5. Mr. Sacksteder has an established familiarity with the subject matter at issue in this proceeding. Ex. 1028 ¶ 11. He has also reviewed the patent-at-issue and the Petition filed in this case. Ex. 1028 ¶ 11.

6. Mr. Sacksteder is a member in good standing of the California State Bar. Ex. 1028 ¶ 5.

7. Mr. Sacksteder has never been suspended or disbarred from practice before any court or administrative body. Ex. 1028 ¶ 5.

8. No application filed by Mr. Sacksteder for admission to practice before any court or administrative body has ever been denied. Ex. 1028 ¶ 6.

9. No sanctions or contempt citations have been imposed against Mr. Sacksteder by any court or administrative body. Ex. 1028 ¶ 7.

10. Mr. Sacksteder 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. 1028 ¶ 8.

11. Mr. Sacksteder 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. 1028 ¶ 9.

12. On August 2, 2023, Mr. Sacksteder applied to be admitted *pro hac vice* in *Inter Partes* Review Nos. IPR2022-00923, IPR2022-00924, and IPR2022-00925. Additionally, Mr. Sacksteder has been listed on over a dozen other Petitions filed in the past three years and has appeared *pro hac vice* in numerous cases prior to the three-year period. Mr. Sacksteder is concurrently applying to appear *pro hac vice* in *Inter Partes* Review Nos. IPR2023-00339 and IPR2023-00341. Ex. 1028 ¶ 10.

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

The facts outlined above in the Statement of Facts, and contained in the Declaration of Michael J. Sacksteder (Ex. 1028), establish that there is good cause to admit Mr. Sacksteder *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Mr. Sacksteder is an experienced litigating attorney, and Mr. Sacksteder 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 Michael J. Sacksteder 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 MICHAEL J. SACKSTEDER, and supporting **Exhibit 1028** to be served electronically on Patent Owner's lead and back-up counsel at the following addresses::

Scott W. Hejny
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201

shejny@mckoolsmith.com

Ryan B. McBeth
Archis (Neil) V. Ozarkar
Saif Askar
McKool Smith, P.C.
600 Travis Street, Suite 7000
Houston, TX 77002

rmcbeth@mckoolsmith.com
nozarkar@mckoolsmith.com
saskar@mckoolsmith.com

FENWICK & WEST LLP

/Jennifer R. Bush/
Jennifer R. Bush
Reg. No. 50,784

Attorneys for Petitioner
Intuit Inc.

Date: August 15, 2023
Fenwick & West LLP
801 California Street
Mountain View, CA 94041