

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KEA CLOUD, INC. & HI AUTO, INC.,
Petitioners,

v.

VALYANT AI, INC.,
Patent Owner

IPR2023-00450
U.S. PATENT NO. 10,592,706

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
RICHARD D. ROCHFORD PURSUANT TO 37 C.F.R. § 42.10(c)**

Patent Owner, Vaylant AI, Inc. ("Patent Owner") respectfully moves that the Board recognize Richard D. Rochford as backup counsel *pro hac vice* in this proceeding.

Mr. Rochford is an experienced litigation attorney and has substantial knowledge in the substantive issues of the challenged claims of the '706 Patent in this proceeding. As explained in more detail below, Mr. Rochford meets the requirements of "an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding" under 37 C.F.R. §42.10(c).

1. Time for Filing

This Motion for *Pro Hac Vice* Admission has been authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on January 25, 2023 (Paper No. 4). This Motion is filed no sooner than twenty-one (21) days after service of the petition.

2. Statement of Facts.

In this proceeding, lead counsel for Patent Owner is Dina Blikshteyn (USPTO Reg. No. 63,962), a registered practitioner. The following statement of facts shows that there is good cause for the Board to recognize Richard D. Rochford *pro hac vice* on behalf of Patent Owner.

Richard D. Rochford is a patent litigation attorney with over 30 years of experience representing clients in patent cases. (Declaration of Richard D. Rochford in Support of Patent Owner's Motion for *Pro Hac Vice* Admission (Ex2015)).

Richard D. Rochford regularly litigates patent cases in various forums including various District Courts, International Trade Commission, and Federal Circuit. He has experience representing clients in many phases of litigation including discovery, *Markman* hearings, and jury trials. (*Id.*)

Richard D. Rochford has an established familiarity with the subject matter at issue in this proceeding from his representation of the Patent Owner in *Valyant AI, Inc. v. Kea Cloud, Inc.*; Case No. 1-21-cv-01698 (DDE filed December 1, 2021) and *Valyant AI, Inc. v. Hi Auto, Inc.*; Case No. 1-21-cv-01700 (DDE filed December 1, 2021) ("the co-pending litigations"). He is familiar with the technology and issued claims in United States Patent No. 10,592,706 ("the '706 Patent"). Richard D. Rochford is also familiar with the prior art referenced and cited in PTAB Case No. IPR2023-00450 and the associated invalidity grounds before the PTAB. Indeed, Richard D. Rochford represents Patent Owner in a currently-stayed district court action involving allegations of infringement of the '706 Patent.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Richard D. Rochford in Support of Patent Owner's Motion for *Pro Hac Vice* Admission (Ex2015), which attests to the requirements for *pro hac vice* admission.

4. Conclusion

Accordingly, Patent Owner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to admit Richard D. Rochford as counsel *pro hac vice* and to authorize Richard D. Rochford to represent Patent Owner as back-up counsel in this proceeding.

Dated: April 28, 2023

Respectfully submitted,

By: /Dina Blikshteyn/
Dina Blikshteyn
Registration No. 63,962
Lead Counsel for Patent Owner

PATENT OWNER'S EXHIBIT LIST

EX2001	First Amended Complaint in District of Delaware, Case No. 21-cv-1698 (D. Del.) filed February 9, 2022
EX2002	U.S. Publication No. 2018/0165691 to Heater et al.
EX2003	Stipulation to Stay Actions, Case No. 21-cv-1698, Doc. Num 31, filed March 23, 2023
EX2004	Oral Order, Case No. 21-cv-1698, Doc. Num 19, issued February 16, 2023
EX2005	Letter to Judge M. Noreika, Case No. 21-cv-1698, filed March 13, 2023
EX2006	Reissue Application No. 17/696,525
EX2007	U.S. Patent No. 7,110,963 to Negreiro
EX2008	U.S. Patent No. 9,646,286 to Brelig et al.
EX2009	U.S. Publ. No. 2012/0317038 to Erbey et al.
EX2010	U.S. Publ. No. 2018/0277107 to Kim
EX2011	U.S. Patent No. 8,798,242 to Sankaranarayanan
EX2012	U.S. Patent No. 9,239,987 to Tsao
EX2013	U.S. Patent No. 7,181,438 to Szabo
EX2014	Oral Order, Case No. 21-cv-1698, Doc. Num 28, issued March 14, 2023
EX2015 (NEW)	Declaration of Richard D. Rochford in Support of Patent Owner's Motion for <i>Pro Hac Vice</i> Admission

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, this is to certify that a true and correct copy of the foregoing was served on Petitioners as detailed below:

Date of service April 28, 2023

Manner of service Electronic Service: vgalluzzo@crowell.com;
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zpearl@pearlcohen.com; kauteri@pearlcohen.com

Documents served **Patent Owner's Motion for *Pro Hac Vice* Admission of Richard D. Rochford Under 37 C.F.R. § 42.10(c); Patent Owner's Exhibit List; and Exhibit 2015**

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