UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAINTEQ, LLC,

Petitioner,

v.

ORTHOCISION, INC.,

Patent Owner.

Case IPR2023-00451

Patent No. 11,083,511

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

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Orthocision, Inc. ("Patent Owner") respectfully requests that the Board recognize Oleg Khariton as counsel *pro hac vice* during this proceeding.

I. Background

Patent Owner's Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the "Order—Authorizing Motion for *Pro Hac Vice* Admission" in Case No. IPR2013-00639, Paper 7 (MPT) ["the Order"]. This motion for *pro hac vice* admission is being filed no sooner than twenty one (21) days after service of the petition. Further, this motion is authorized by the Notice of Filing Date Accorded to Petition and Time For Filing Patent Owner Preliminary Response. (Paper 5 at 2.)

II. Statement of Facts

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Khariton *pro hac vice*. Mr. Khariton is an experienced patent litigation attorney who has served as counsel in numerous patent infringement suits before the U.S. District Courts for the Southern District of Ohio, Eastern District of Michigan, and Southern District of New York and is admitted to practice in the U.S. District Courts for the Southern District of Ohio and Eastern District of Michigan. In addition, Mr. Khariton has reviewed and is

familiar with U.S. Patent No. 11,083,511 (the "'511 Patent"), the patent-at-issue in this proceeding, and the prior art relied upon in the Petition.

Because Mr. Khariton is an experienced practitioner with an established familiarity with the subject matter of this proceeding, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Khariton as counsel pro hac vice during this proceeding.

III. Declaration of Individual Seeking to Appear

Patent Owner's Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Oleg Khariton attached hereto as Exhibit 2001 as required by the Order.

IV. Petitioner's Consent

Counsel for Petitioner PainTEQ, LLC ("Petitioner") has represented that Petitioner does not oppose the motion.

Dated: October 10, 2023

Respectfully submitted,

/s/ *James J. Pingor*

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF OLEG KHARITON PURSUANT TO 37 C.F.R. §42.10(c) was served on October 10, 2023 by email on the following counsel of record for Petitioner:

Stephen E. Kelly (Stephen.Kelly@hwhlaw.com)

Andriy Lytvyn (Andriy.Lytvyn@hwhlaw.com)

Thomas J. Banks (Thomas.Banks@hwhlaw.com)

Dated: October 10, 2023

Respectfully submitted,

/s/ *James J. Pingor*

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