

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioners,

v.

GAMEVICE, INC.,
Patent Owner.

PTAB Case No. IPR2023-00643

Patent No. 10,391,393

**PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION OF
GRANT E. KINSEL PURSUANT TO 37 C.F.R. § 42.10(C)**

Petitioners Nintendo Co., LTD and Nintendo of America Inc., (collectively "Petitioners") respectfully request that the Board admit Grant E. Kinsel as back-up counsel *pro hac vice* in this proceeding. Mr. Kinsel is an experienced litigation attorney and has substantial knowledge of the substantive issues concerning invalidity of the challenged claims of the Patent in this proceeding. Therefore, Mr. Kinsel 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 is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on May 10, 2023 (Paper 6), and is being filed no sooner than twenty one (21) days after service of the Petition.

2. Statement of Facts

The following statement of facts demonstrate good cause for the Board to recognize Mr. Kinsel *pro hac vice*.

Mr. Kinsel is a patent litigation attorney with twenty-five years of experience representing clients in cases involving patents and/or other intellectual property interests. Mr. Kinsel regularly litigates patent cases before federal district courts across the United States. He has experience in jury and bench

trials, pre-trial hearings including Markman hearings, fact and expert discovery, and appeals. Mr. Kinsel is admitted to practice in California and Washington, with no disciplinary actions or denials of admission. Mr. Kinsel's biography is attached as Appendix A to the Declaration of Grant Kinsel (Ex. 1031).

Mr. Kinsel has established familiarity with the subject matter in this proceeding, including as lead counsel in co-pending district court litigation, as lead counsel in ITC Investigation Nos. 337-TA-1111 and 337-TA-1197, and as counsel for Petitioners in IPR2018-01521, IPR2018-01522, and IPR2020-01197. Mr. Kinsel has spent significant time analyzing the challenged patent and the cited prior art references. He oversaw the preparation and filing of the Petition submitted in this *Inter Partes* Review. Petitioners have invested significant financial resources in Mr. Kinsel's participation in the foregoing proceedings, and thus respectfully submit good cause exists for the Board to recognize Mr. Kinsel as counsel *pro hac vice* during this proceeding.

Mr. Kinsel has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, and further understands that he will be subject to the USPTO Code of Professional Responsibility.

3. Declaration of Individual Seeking to Appear

This motion for *pro hac vice admission* is accompanied by the Declaration of Grant Kinsel (Exhibit 1031), which attests to the requirements for *pro hac vice*

admission set forth in the Order Authorizing Motion for *Pro Hac Vice* Admission
37 C.F.R. § 42.10, *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639,
Paper 7 (P.T.A.B. Oct. 25, 2013).

4. *Pro Hac Vice* Admission Fee

The required fee under 37 C.F.R. § 42.15(e) in the amount of \$250 is
concurrently being paid by PTO EFT account.

5. Conclusion

Petitioners submit good cause exists under 37 C.F.R. § 42.10(c) for the
Board to admit Grant Kinsel as counsel *pro hac vice* and to authorize Mr. Kinsel
to represent Petitioners as back-up counsel in this proceeding.

Dated: November 13, 2023

/Tyler R. Bowen/

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Respectfully submitted,

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*Attorneys for Petitioners Nintendo Co.,
Ltd. and Nintendo of America Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the foregoing
Petitioners' Motion for *Pro Hac Vice* Admission under 37 C.F.R. § 42.10(c) and
Exhibit 1031 have been served this 13th day of November 2023, by electronic
mail on the Patent Owner via its attorneys of record:

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