

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

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

I, Grant E. Kinsel, declare in support of my application to appear *pro hac vice* before the Office in the IPR2023-00643 as follows:

1. I am a member in good standing of the State Bars of California and Washington.
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has been imposed against me by any court or administrative body.
5. I have read and will comply with Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the C.F.R., and the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 et seq.
6. I will be subject to the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 et seq. and the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
7. I am an experienced litigation attorney with over twenty-five years of experience representing clients in patent cases involving patents and/or other intellectual property interests. I regularly litigate patent cases in various fora

including federal district courts across the United States. Through my experience in patent litigation matters, I have represented clients in many phases of litigation including fact and expert discovery, court hearings including Markman hearings, jury trials, bench trials, and appeals. My biography is attached hereto as Appendix A.

8. In the previous three years, I have not applied to appear *pro hac vice* before the Office. I was, however, admitted to practice *pro hac vice* in IPR2018-01521 and IPR2018-01522. I also was involved in the preparation and filing of the *Inter Partes* Review petition in IPR2020-01197 (which involved the Challenged Patent), but institution of that petition was discretionarily denied before I could submit an application for *pro hac vice* admission.

9. I am lead counsel for Petitioners in *Gamevice, Inc. v. Nintendo Co., Ltd. et al.*, Case No. 3:18-cv-01942-RS, filed on March 29, 2018, in which Gamevice has asserted the Challenged Patent. I was also lead counsel for Petitioners in both *Certain Portable Gaming Console Systems with Attachable Handheld Controllers and Components Thereof*, Investigation No. 337-TA-1111 (where Gamevice asserted and lost on U.S. Patent Nos. 9,808,713 and 9,855,498, which are related to the Challenged Patent) and *Certain Portable Gaming Console Systems with Attachable Handheld Controllers and Components Thereof II*, Investigation No. 337-TA-1197 (where Gamevice asserted and lost on the

Challenged Patent). I also oversaw the preparation and filing of the *Inter Partes* Review Petition here, and am familiar with the prior art references cited in the Petition, the expert declaration of Mr. Kitchen, and the arguments made to date. As such, I am familiar with the subject matter at issue in this proceeding.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that all statements made of my knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both.

Date: November 13, 2023

/ Grant E. Kinsel /

Grant E. Kinsel

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