

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KAHOOT! ASA & KAHOOT! EDU, INC.,
Petitioner

v.

AVIEL D. RUBIN,
Patent Owner.

Case No. IPR2023-00693

Patent No. 9,064,376

**DECLARATION IN SUPPORT OF PATENT OWNER'S MOTION FOR
PRO HAC VICE ADMISSION OF ERIC W. BENISEK PURSUANT TO 37
C.F.R. § 42.10(c)**

Rubin Exhibit 2003
Kahoot ASA & Kahoot! EDU, Inc.
v. Aviel D. Rubin
Case No. IPR2023-00693

I, ERIC W. BENISEK, declare,

1. I am over twenty-one years of age, am competent to present this affidavit, and have personal knowledge of the facts set forth herein. This affidavit is submitted in support of Patent Owner Aviel D. Rubin's Motion for *Pro Hac Vice* Admission.

2. I have twenty-three years of experience as a practicing attorney, the majority of which includes extensive involvement with complex patent litigation matters. I have over fifteen years of experience litigating software patents, and in particular software patents directed to securing computer systems, transactions, hardware and software against malware.

3. I am admitted to practice in California and am a member in good standing with the California Bar.

4. I have not been suspended or disbarred from practice before any court or administrative body.

5. I have had no application for admission to practice before any court or administrative body ever denied.

6. I have had no sanctions or contempt citations imposed by any court or administrative body.

7. I have read and will 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.

8. I am an experienced patent litigation attorney with established familiarity with the legal subject matter, technical subject matter, and prior art involved with this *inter partes* review of U.S. Patent No. 9,064,376 B1 (the “’376 patent”). I have studied the ’376 patent with Dr. Aviel D. Rubin, the patent owner, and Dr. Rubin’s retained technical expert, to understand in detail the specification, the claims, the state of the art, as well as the cited prior art. I have also studied, with Dr. Rubin and Dr. Rubin’s retained technical expert, all the cited prior art raised by Petitioner.

9. I am lead counsel of record for Dr. Rubin, in a proceeding in U.S. District Court involving the infringement of claims of the ’376 patent and the defense of the validity of claims of the ’376 patent.

10. I extensive patent litigation experience in U.S. District Courts and the Federal Circuit Court of Appeals.

11. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

12. I have not applied to appear *pro hac vice* in any proceeding before the Office in the last three (3) years.

13. I received my undergraduate degree from University of California, Davis, and my J.D. from University of San Francisco School of Law.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,

Dated: October 18, 2023

/Eric W. Benisek/

Eric W. Benisek, Esq.

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Counsel for Patent Owner

CERTIFICATE OF FILING AND SERVICE

I hereby certify that a true and correct copy of the foregoing PATENT OWNER'S
MOTION FOR ERIC W. BENISEK TO APPEAR PRO HAC VICE
PURSUANT TO 37 C.F.R. § 42.10(c) is being filed electronically via P-TACTS
and served on counsel for Petitioner by electronic mail this 18th day of October
2023 as follows:

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Dated: October 18, 2023

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