

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

AVIEL D. RUBIN,
Patent Owner.

IPR2023-00693
Patent 9,064,376 B1

Before KEN B. BARRETT, KEVIN W. CHERRY, and
CYNTHIA L. MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

DECISION
Granting Patent Owner's Unopposed Motion for
Pro Hac Vice Admission of Eric W. Benisek
37 C.F.R. § 42.10(c)

On October 18, 2023, Patent Owner filed a Motion for admission *pro hac vice* of Eric W. Benisek. Paper 14 (hereinafter “the Motion”). Patent Owner also filed a supporting Declaration of Mr. Benisek. Ex. 2003.

In an e-mail to the Board sent on October 18, 2023, Robert S. McArthur, Lead Counsel for Patent Owner, indicated that “the parties wish to inform the Board that the pending Motions for Pro Hac Vice Admission for Atty. Banner (Paper #13) and Atty. Benisek (Paper #14) are not opposed.”

We grant the Motion.

Pursuant to 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. A motion for *pro hac vice* admission requires a statement of facts showing there is good cause to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (Order Authorizing Motion for *Pro Hac Vice* Admission).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Benisek has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Benisek has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Benisek meets all other requirements for admission *pro hac vice*. *See* Ex. 2003 ¶¶ 1–13. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Benisek.

Accordingly, it is:

ORDERED that Patent Owner's motion for admission *pro hac vice* of Eric W. Benisek in this proceeding is *granted*, and Mr. Benisek is authorized to represent Patent Owner only as back-up counsel;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in this proceeding;

FURTHER ORDERED that Mr. Benisek shall comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))¹ and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Benisek shall be subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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