

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOM ENTERPRISES, LLC,
Petitioner,

v.

ELAINE AND REINHOLD W. VIETH,
Petitioners.

Case IPR2023-00726
Patent 9,066,958

**PETITIONER’S MOTION FOR PRO HAC VICE ADMISSION
OF SARIKA PATEL UNDER 37 C.F.R. § 42.10(c)**

LIST OF EXHIBITS

Exhibit	Description
MOM-1001	U.S. Patent No. 9,066,958 (the “958 Patent”)
MOM-1002	U.S. Patent No. 9,066,958 File History
MOM-1003	Complaint, Ddrops Company, Reinhold Vieth, and Elaine Vieth v. MOM Enterprises, LLC, d/b/a Mommy’s Bliss, 1:22-cv-00332-GBW, District of Delaware
MOM-1004	Declaration and Curriculum Vitae of Dr. Robert Williams
MOM-1005	Declaration and Curriculum Vitae of Librarian June Munford
MOM-1006	Section 15.9 of Wochenbettbetreuung in der Klinik und zu Hause, Hippokrates Verlag by Ulrike Harder (2003) (“Harder”)
MOM-1007	Translation of Harder by Amy Tinworth (“Harder Tr.”)
MOM-1008	Aktuelle Therapie: Rachitisprophylaxe beim Säugling by H. Wolf, Volume 95/no.9 Deutsche Medizinische Wochenschrift at 1530 (1970) (“Wolf”)
MOM-1009	Translation of Wolf by Simon Chun Hsieh (“Wolf Tr.”)
MOM-1010	Excerpts from European Pharmacopoeia Supplement 4.3 (2003) (“European Pharmacopoeia Supplement 4.3”)
MOM-1011	Suckling- and Sucrose-Induced Analgesia in Human Newborns by Elliott M. Blass & Lisa B. Watt, 83 Pain 611, (1999) (“Blass”)
MOM-1012	Prevention of Rickets and Vitamin D Deficiency: New Guideline for Vitamin D Intake” by Lawrence M. Gartner, Volume 111/no. 4 of Pediatrics at 908 (2003) (“Gartner”)
MOM-1013	Introduction of Oral Vitamin D Supplementation and the Rise of the Allergy Pandemic by Matthias Wjst, Volume 5/no. 8 of Allergy, Asthma & Clinical Immunology (2009) (“Wjst”)
MOM-1014	The Case Against Ergocalciferol (Vitamin D2) as a Vitamin Supplement” by Reinhold Vieth, Volume 84/no.4 of The American Journal of Clinical Nutrition (2006) (“Vieth”)
MOM-1015	Effect of Vitamin D Replacement on Musculoskeletal Parameters in School Children: A Randomized Controlled Trial by Vieth, Volume 91/no. 2 of the Journal of Clinical Endocrinology & Metabolism (2006) (“Vieth II”)
MOM-1016	Public Health Practices in Germany by W. W. Bauer, Volume 40/no. 9 of American Journal of Public Health and The Nation’s Health (“Bauer”)

MOM-1017	Canadian Patent Application No. 2,558,202
MOM-1018	Stipulation Letter by Petitioner
MOM-1019	Declaration of Sarika Patel

Pursuant to 37 C.F.R. § 42.10(c), the Petitioner, MOM Enterprises, LLC (“MOM”) respectfully requests that the Board recognize Sarika Patel as counsel *pro hac vice* in this proceeding. MOM seeks the counsel of Sarika Patel due to her experience in representing MOM in other patent-related matters and particularly due to her familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Petitioner Preliminary Response that was mailed on March 29, 2023.

I. Statement of Facts

Sarika Patel is a patent litigation attorney with more than 3 years of experience representing clients in patent cases involving electronics, mechanical inventions, and many other technologies. Ms. Patel regularly litigates patent cases before the United States Court of Appeals for the Federal Circuit and various federal district courts.

Ms. Patel also has particular experience and familiarity with the issues and subject matter presented in this above-captioned *inter partes* review proceeding. For example, Ms. Patel concurrently represents the Petitioner, MOM, in a parallel proceeding involving the patent at issue in this *inter partes* review proceeding, U.S. Patent No. 9,066,958. Ms. Patel has extensively

reviewed U.S. Patent No. 9,066,958, its prosecution history, relevant prior art, the Petition for IPR (including the invalidity grounds therein, and the cited references), and all exhibits filed in this case.

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Sarika Patel. Accordingly, MOM submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Sarika Patel as counsel *pro hac vice* during this proceeding.

Respectfully submitted,

Date: September 28, 2023

/David Conrad/

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e), the undersigned certifies that on September 28, 2023, a complete and entire copy of this Petitioner's Motion for *Pro Hac Vice* Admission of Sarika Patel, and its exhibit, were provided via email, to the Patent Owner serving the correspondence addresses of record as follows:

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