

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOM Enterprises, LLC,
Petitioner,

v.

ELAINE AND REINHOLD W. VIETH,
Patent Owners,

Case IPR 2023-00726
Patent 9,066,958

**PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION OF
ALAN M. ANDERSON**

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) Patent Owners move the *Pro Hac Vice* admission of Alan M. Anderson in this proceeding. Patent Owners, ELAINE AND REINHOLD W. VIETH seek the counsel of Alan M. Anderson due to his experience in representing the Patent Owners in patent-related matters and particularly due to his 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.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. 37 C.F.R. § 42.10(c) indicates that “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here

establish good cause for the Board to recognize Alan M. Anderson *pro hac vice* during this proceeding.

The purpose of this motion is to permit Mr. Anderson to represent Patent Owners in this proceeding. Mr. Anderson has assisted patent counsel throughout this proceeding and is familiar with and well-versed in the issues in this proceeding.

1. Lead counsel, Mark E. Ungerman, is a registered practitioner.

2. Counsel, Alan M. Anderson, is an experienced trial attorney and has an established familiarity with the subject matter at issue in this proceeding.

Accompanying this motion is the Declaration of Alan M. Anderson in Support of this Motion for Admission *Pro Hac Vice* of Alan M. Anderson (“Anderson Decl.”). In his declaration, Mr. Anderson attests, *inter alia*, that: “I am a member in good standing of the Bar of the State of Minnesota and am admitted to practice before the United States Supreme Court, the United States Courts of Appeal for the Fourth, Sixth, Seventh, Eighth, Tenth, and Federal Circuits, and the United States District Courts for the District of Minnesota, Eastern District of Wisconsin, District of North Dakota, and District of Colorado. I am a member of the Federal and Minnesota Bar Associations. I served on the Board of Editors of the AIPLA Quarterly Journal. I have been in private practice and litigating patent cases since 1983.” Anderson Decl., ¶ 2-4. Mr. Anderson has litigated and tried patent

infringement actions literally from New York to California. He has been involved in other matters before the Patent Trial and Appeals Board. Mr. Anderson also attests that “I am familiar with the subject matter at issue in this proceeding. I am lead counsel in a case before the United States District Court for the District of Delaware captioned *DDROPS COMPANY, REINHOLD VIETH, and ELAINE VIETH v. MOM ENTERPRISES, LLC, d/b/a MOMMY’S BLISS*., Civil Action No. 22-332-GBW and was lead counsel in two additional cases in which the patent subject to this IPR was asserted. I gained familiarity with the patent subject to this proceeding as it was the patent-in-suit in the referenced litigations.

3. In his declaration, Mr. Anderson also attests to each of the listed items as required by 37 C.F.R. § 42.10(c). *See* Anderson Decl., ¶¶ 1-11.

III. Conclusion

For the foregoing reasons, Patent Owners respectfully request that the Board admit Alan M. Anderson *pro hac vice* in this proceeding.

Dated: October 24, 2023

Respectfully submitted,

/Mark E Ungerman/

Mark E. Ungerman (32,070)

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that the foregoing Patent Owners' **MOTION FOR PRO HAC VICE ADMISSION OF ALAN M. ANDERSON** is being served on October 24, 2023, by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) and by electronic mail as directed by Petitioner upon the following counsel of record for Petitioners:

David B. Conrad
Lance E. Wyatt
Sarika Patel
Fish and Richards LLP
To: IPR53953-0001IP1@fr.com

/Mark E Ungerman/
Mark E. Ungerman
(Reg. No. 32,070)