UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFECORE FITNESS, INC.
d/b/a ASSAULT FITNESS
Petitioner,

v.

WOODWAY USA, INC.
Patent Owner.

U.S. Patent No. 9,039,580 to Bayerlein et al.

Case No.: IPR2023-00836

PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF SEYED REZA ROGHANI ESFAHANI PURSUANT TO 37 C.F.R. § 42.10

Pursuant to 37 C.F.R. § 42.10, Petitioner respectfully requests the *pro hac vice* admission of attorney Seyed Reza Roghani Esfahani in this proceeding. The facts, supported by the attached Declaration of Seyed Reza Roghani Esfahani in Support of Motion for Admission *Pro Hac Vice* ("Esfahani Decl."), establish good cause to admit Mr. Esfahani *pro hac vice* in this proceeding. Petitioner conferred with Patent Owner, and Patent Owner confirmed that it does not oppose this Motion.

I. STATEMENT OF FACTS

Lead counsel John M. Halan is a registered practitioner (Reg. No. 35,534) and experienced in *inter partes* proceedings in the USPTO. Backup counsel Andrew B. Turner (Reg. No. 63,121), Rebecca J. Cantor (Reg. No. 57,748), and Kyle G. Konz (Reg. No. 68,910) are registered practitioners and experienced in *inter partes* proceedings in the USPTO. Along with Mr. Halan, Mr. Esfahani represents LifeCORE Fitness, Inc. in the pending district court action captioned *Woodway USA, Inc., v. LifeCORE Fitness, Inc. d/b/a Assault Fitness*, 3:22-cv-00492-JO-BLM pending before the United States District Court for the Southern District of California.

Mr. Esfahani joined Brooks Kushman as an intellectual property litigation associate in 2019 after graduating law school. (Esfahani Decl., ¶1.)

Since joining Brooks Kushman, Mr. Esfahani has primarily focused his

practice on patent and trade secret litigation. (*Id.*, ¶2.) In that time, Mr. Esfahani has gained experience conducting technical infringement and validity analysis, working with technical experts to prepare reports on infringement and validity issues, preparing for depositions of technical experts and fact witnesses, briefing claim construction issues, preparing for *Markman* hearings, drafting dispositive motions on a range of technical issues, and representing clients in patent litigation trials and hearings before district courts around the country. (*Id.*) Further, Mr. Esfahani has assisted his colleagues at Brooks Kushman in proceedings before the Board, and he is familiar with its established practices. (*Id.*)

Mr. Esfahani is a member in good standing of the Michigan State Bar admitted to practice in the United States Court of Appeals for the Federal Circuit, and the United States District Courts for the Eastern District of Michigan, Western District of Michigan, Western District of New York, Eastern District of Texas, and Western District of Texas. (*Id.*, ¶3.)

Mr. Esfahani has never been suspended or disbarred from practice before any court or administrative body. (*Id.*, ¶4.) He has never had an application for admission to practice before any court or administrated body denied. (*Id.*) Nor has any court or administrative body imposed sanctions or contempt citations against him. (*Id.*)

Mr. Esfahani has read and will comply with the Patent Office Trial Practice

Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R. (*Id*., ¶5.) He acknowledges and agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id*., ¶6) While Mr. Esfahani has not previously applied to appear *pro hac vice* before the Office, he is concurrently applying for admission *pro hac vice* in IPR2023-00843, IPR2023-00849, and IPR2024-00083.

Mr. Esfahani has established familiarity with the subject matter at issue in this proceeding. (*Id*., ¶7.) He has reviewed in detail and is familiar with U.S. Patent No. 9,039,580 and all exhibits relied upon by Petitioner in this proceeding. (*Id.*) Mr. Esfahani has also assisted in drafting the Petition in this proceeding. (*Id.*) Moreover, Mr. Esfahani has engaged and will continue to engage in extensive strategic and substantive discussions regarding this proceeding with Mr. Halan, who is a registered practitioner and the lead counsel for Petitioner in this proceeding. (*Id.*)

II. ANALYSIS

The facts contained in the Statement of Facts above and Mr. Esfahani's Declaration establish that there is good cause to admit Mr. Esfahani *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Lead counsel John Halan and backup counsel Andrew Turner, Rebecca Cantor, and Kyle Konz are registered

practitioners and experienced in *inter partes* proceedings in the USPTO. Mr. Esfahani is an experienced patent litigation attorney, and he has an established familiarity with the subject matter at issue in this proceeding.

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Board admit Seyed Reza Roghani Esfahani *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: May 30, 2024

/ Andrew B. Turner /

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Certificate of Service

The undersigned hereby certifies that on May 30, 2024, a complete and entire copy of **Petitioner's Unopposed Motion for Pro Hac Vice Admission**, was served via electronic mail to the attorneys listed below at rmckenna@foley.com; kjelenchick@foley.com; srieger@foley.com.

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