

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.; INSTAGRAM, INC.; WHATSAPP LLC; META
PLATFORMS TECHNOLOGIES, LLC; AND GIPHY, INC.,

Petitioners,

v.

VL COLLECTIVE IP LLC,

Patent Owner.

IPR2023-00923

U.S. Patent No. 7,266,682

**PETITIONERS' UNOPPOSED MOTION FOR PRO HAC VICE
ADMISSION OF ETHAN PERBOHNER**

Petitioners' Unopposed Motion for Pro Hac Vice Admission

Petitioners Meta Platforms, Inc., Instagram, Inc., WhatsApp LLC, Meta Platforms Technologies, LLC, and Giphy, Inc. request the Board recognize Ethan Perbohner as counsel pro hac vice during this proceeding. Power of attorney from Petitioners appointing him as backup counsel is being concurrently filed.

This Motion for Admission Pro Hac Vice is being filed with the Board's authorization (Paper 4 at 2) under 37 C.F.R. 42.10(c). The Declaration of Ethan Perbohner supporting this motion is filed as Exhibit 1030. Petitioner has confirmed that Patent Owner does not oppose this motion in correspondence with Petitioner dated May 3, 2024.

I. STATEMENT OF FACTS ESTABLISHING GOOD CAUSE

Petitioners' lead counsel is a registered practitioner: W. Todd Baker (Reg. No. 45,265).

As demonstrated below, there is good cause for the Board to recognize Mr. Perbohner's *pro hac vice*.

1. Mr. Perbohner is an experienced patent litigation attorney with 2 years of experience representing clients in patent litigation matters in various United States District Courts.

2. Mr. Perbohner has an established familiarity with the subject matter of U.S. Patent No. 7,266,682, at issue in this proceeding through participation in the district court litigation which involves U.S. Patent 7,266,682 *VideoLabs, Inc., et al.*

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v. Meta Platforms, Inc. et al., Civil Action No. 1-22-cv-00680 (D. Del.), filed May 24, 2022 (the “Delaware Action”), and through participation in the briefing of the currently pending *inter partes* review proceeding.

3. Mr. Perbohner is a member in good standing of the Bar of the State of Illinois. He is also admitted to practice before the United States District Court for the Northern Districts of Illinois.

4. Mr. Perbohner has never been suspended or disbarred from practice before any court or admission.

5. Mr. Perbohner has never had a court or administrative board deny an application for admission to practice.

6. Mr. Perbohner has never been sanctioned or cited for contempt by any court or administrative body.

7. Mr. Perbohner has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trial set forth in 37 C.F.R. part 42.

8. Mr. Perbohner agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(e).

9. In the past three years, Mr. Perbohner has not applied for or appeared pro hac vice in any USPTO proceedings.

II. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. PERBOHNER IN THIS PROCEEDING

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 any other conditions the Board may impose. 37 C.F.R. § 42.10(c).

Petitioners' lead counsel in Patent Trial and Appeal Board matters, W. Todd Baker, is a registered practitioner before the Board. Based on the facts contain herein, good cause exists to admit Mr. Perbohner *pro hac vice*.

Mr. Perbohner is an experienced patent litigation attorney. Mr. Perbohner has significant experience in patent litigation matters and is actively involved with the strategy and fact development in the matter. In view of Mr. Perbohner's extensive patent litigation and his knowledge of the subject matter of this proceeding, Petitioners have a substantial need for Mr. Perbohner's *pro hac vice* admission and his involvement in the continued prosecution of this proceeding.

III. CONCLUSION

For the foregoing reasons, Petitioners respectfully requests that Ethan Perbohner be admitted pro hac vice.

Petitioners' Unopposed Motion for Pro Hac Vice Admission

May 8, 2024

Respectfully submitted,

/s/ W. Todd Baker

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on May 8, 2024 via electronic mail to counsel of record for the Patent Owner at the following:

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