UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC., META PLATFORMS TECHNOLOGIES, LLC, and TWISTED PIXEL GAMES, LLC,

Petitioners

v.

EIGHT KHZ, LLC,

Patent Owner

IPR2023-01023
Patent 10,798,509

PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF ERIK DYKEMA UNDER 37 C.F.R. § 42.10(c)

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Eight KHZ, LLC ("Patent Owner") respectfully requests that the Board admit Erik Dykema *pro hac vice* in this proceeding as back-up counsel. Counsel for Petitioner does not oppose this Motion.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c), 37 C.F.R., provides that:

> 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. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Board has further required that a motion for *pro hac vice* admission be filed in accordance with the "Order - Authorizing Motion for *Pro Hac Vice* Admission" entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) ("*United Patents* Order").

The *United Patents* Order requires that such motions (1) "[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding[,]" and (2) "[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:"

i. Membership in good standing of the Bar of at least one State or the District of Columbia;

ii. No suspensions or disbarments from practice before any court or administrative body;

iii. No application for admission to practice before any court or administrative body ever denied;

iv. No sanctions or contempt citations imposed by any court or administrative body;

v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;

vi. The individual will be subject to the U.S.P.T.O. Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq*. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Erik Dykema, submitted herewith as Exhibit 2013, Patent Owner requests the *pro hac vice* admission of Erik Dykema in this proceeding:

1. Patent Owner's lead counsel, Erick Robinson (the undersigned), is a registered practitioner (Reg. No. 51,354).

2. Mr. Dykema is of counsel at the law firm of Bochner PLLC. Ex. 2013 ¶ 8.

3. Mr. Dykema is an experienced litigator, and the majority of his practice has consisted of patent litigation and other patent-related matters. *Id.* ¶ 9.

4. Mr. Dykema has an established familiarity with the subject matter at issue in this proceeding, has reviewed the patent at issue, as well as the petition and the relevant device. *Id.* ¶ 11.

5. Mr. Dykema is a member in good standing of the bars of New Jersey and New York. *Id.* ¶¶ 1-2.

6. Mr. Dykema has never been suspended or disbarred, had an application for admission denied, or had any sanctions or contempt citations imposed upon him. *Id.* ¶¶ 3-5.

7. Mr. Dykema has read and will comply with the Trial Practice Guide and the Board's Rules of Practice for Trials; and agrees to be subject to the USPTO Rules for Professional Conduct and disciplinary jurisdiction. *Id.* ¶¶ 6-7.

8. Mr. Dykema has previously applied for, and been admitted, *pro hac vice*, in the matters CBM2020-00021, CBM2020-00022, CBM2020-00023, IPR2020-01540, PGR2022-00050, IPR2024-00246, IPR2024-00247, IPR2024-00248, IPR2024-00249, IPR2024-00250, and IPR2024-00251 before the USPTO in the past three years. *Id.* ¶ 10.

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF ERIK DYKEMA

The Board may recognize counsel *pro hac vice* 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).

The facts outlined above in the Statement of Facts, and contained in the Declaration of Erik Dykema (Ex. 2013), establish that there is good cause to admit Mr. Dykema *pro hac vice* in this proceeding. Patent Owner's lead counsel is a registered practitioner. Mr. Dykema has extensive experience in patent litigation and

post grant patent proceedings. He also has an established familiarity with the subject matter at issue, including the patents, petitions, and references.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Mr. Dykema *pro hac vice* in this proceeding.

Date: October 11, 2024

Respectfully submitted,

/Erick Robinson/

Erick Robinson, Esq. (Reg. No. 51,354)
Jayme Partridge (Reg. No. 39,011)
Jayne C. Piana (Reg. No. 48,424)
Patrick M. Dunn (Reg. No. 70,474)
Homayoon Rafatijo (Reg. No. 80,870)
BOCHNER PLLC
24 Greenway Plaza, Suite 1800
Houston, TX 77046
Tel: (646) 971-0685
Fax: (646) 343-9672

Erik Dykema (*pro hac vice* admission pending)
BOCHNER PLLC
1040 Avenue of the Americas,
15th Floor
New York, NY 10018
Tel: (646) 971-0685
Fax: (646) 343-9672

Attorneys for Eight KHZ LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2024, I caused a true and correct copy of the foregoing Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of Erik Dykema Under 37 C.F.R. § 42.10(c) to be served via electronic mail upon the following attorneys of record for the Petitioner:

Inge A. Osman
Steven Peters
Lathan & Watkins LLP
555 Eleventh Street, NW, Ste. 1000
Washington, DC 20004-1304
Inge.osman@lw.com
Steven.peters@lw.com

Christopher W. Henry
Kimberly Q. Li
Latham & Watkins LLP
200 Clarendon Street
Boston, Massachusetts 02116
christopher.henry@lw.com
Kimberly.li@lw.com

Linfong Tzeng
Lantham & Watkins LLP
140 Scott Drive
Menlo Park, California 94025
Linfong.tzeng@lw.com

Date: October 11, 2024

Respectfully submitted,

/Erick Robinson/
Erick Robinson, Esq. (Reg. No. 51,354)
BOCHNER PLLC
24 Greenway Plaza, Suite 1800
Houston, TX 77046
Tel: (646) 971-0685
Fax: (646) 343-9672

Attorneys for Eight KHZ LLC