

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARKNINJA, INC.,
SHARKNINJA OPERATING LLC,
SHARKNINJA MANAGEMENT LLC, AND
SHARKNINJA SALES COMPANY,
Petitioners,

v.

DYSON TECHNOLOGY LIMITED
Patent Owner.

Case No. IPR2023-01322

U.S. Patent No. 10,433,687

**PATENT OWNER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF BRIANNA LYNN SILVERSTEIN**

PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	U.S. Patent Publication No. 2017/0071426 A1 (“Krebs”)
2002	GB 2440111B
2003	Chinese Patent Application No. 201610830364.1
2004	Chinese patent document no. CN1178622C
2005	China National Intellectual Property Administration, Case No. 4W114231 (Oct. 19, 2022) original
2006	China National Intellectual Property Administration, Case No. 4W114231 (Oct. 19, 2022) translation
2007	The People’s Republic of China Beijing Intellectual Property Court Administrative Judgment (Oct. 25, 2023) original
2008	The People’s Republic of China Beijing Intellectual Property Court Administrative Judgment (Oct. 25, 2023) translation
2009	U.S. Patent Application Publication 2016/0150923 A1 (“Conrad ’923”)
2010	U.S. Patent No. 8,156,609
2011	Chinese patent document no. CN101489454A
2012	Chinese patent document no. CN1361673A
2013	China National Intellectual Property Administration, Case No. 4W114082 (Sept. 23, 2022) original
2014	China National Intellectual Property Administration, Case No. 4W114082 (Sept. 23, 2022) translation
2015	U.S. Patent No. 1,871,624 (“the ’624 patent”)
2016	Declaration of Brianna Lynn Silverstein in Support of Motion for <i>Pro Hac Vice</i> Admission

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 3 authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Dyson Technology Limited. (“Patent Owner”) requests that the Patent Trial and Appeal Board (the “Board”) admit Brianna Lynn Silverstein *pro hac vice* in this proceeding.

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 the Board may impose. Section 42.10(c) indicates that “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 facts set forth below, supported by the Declaration of Brianna Lynn Silverstein (Exhibit 2016), establish good cause for the Board to recognize Ms. Silverstein *pro hac vice* in this proceeding:

1. Patent Owner’s lead counsel, Christopher P. Bruenjes, is a registered practitioner.

2. Brianna Lynn Silverstein is counsel at the law firm of Faegre Drinker Biddle & Reath LLP, in Washington D. C. (Ex. 2016, ¶ 1.)

3. Ms. Silverstein is an experienced litigation attorney. She is a member in good standing of the Virginia and District of Columbia bars, and has been admitted to practice in various district and appellate courts across the country, including the United States Court of Appeals for the Federal Circuit. (Ex. 2016, ¶¶ 2-3.) Ms. Silverstein has neither applied nor been admitted to appear *pro hac vice* before the United States Patent & Trademark Office any other IPR proceedings in the past three years, except for Patent Owner's Motion to admit Ms. Silverstein *pro hac vice* also filed today in IPR2023-01324, another proceeding filed by Petitioners. (*Id.*, ¶ 9.)

4. Ms. Silverstein has been litigating patent cases for over fourteen years. (Ex. 2016, ¶ 10.) During that time, she has gained marked expertise in litigating infringement and invalidity cases, conducting technical infringement and validity analyses, working with technical experts on infringement and validity issues, preparing for depositions of technical experts and fact witnesses, briefing claim construction issues and preparing for claim construction hearings, drafting dispositive motions on a range of technical issues, and representing clients in patent litigation trials and hearings before district courts and courts of appeals around the country. (*Id.*)

5. Ms. Silverstein has an established familiarity with the subject matter at issue in this proceeding. Ms. Silverstein was substantially involved in the preparation of the Patent Owner's Preliminary Response, and she is very familiar with the subject matter in the Preliminary Response, including the technology at issue and the references and other evidence relied on in the Preliminary Response. (Ex. 2016, ¶ 11). She has carefully reviewed and understands the papers and evidence submitted by Petitioner in this proceeding and is very familiar with the invalidity grounds and legal theories advanced. (*Id.*) Ms. Silverstein has reviewed in detail the patent challenged in this proceeding, U.S. Patent No. 10,433,687, as well as the file history. (*Id.*)

6. Ms. Silverstein has also invested time in strategic and substantive discussions regarding this proceeding with lead counsel for Patent Owner. (Ex. 2016, ¶ 11.)

7. Based on the above, Ms. Silverstein has a detailed understanding of the subject matter at issue in this proceeding. (Ex. 2016, ¶ 12.)

8. In her declaration, Ms. Silverstein attests to each of the listed items required by the "Order – Authorizing Motion for *Pro Hac Vice* Admission" 37 C.F.R. § 42.10 in IPR2013-00639, Paper 7. (Ex. 2016, ¶¶ 2-12).

9. Ms. Silverstein has read and will comply with the Office Patent Trial Practice Guide and updates, and with the Board's Rules for Practice for Trials set

forth in part 42 of 37 C.F.R. (Ex. 2016, ¶ 7). She 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.*, ¶ 8.)

III. Request is Timely and Patent Owner Does Not Oppose

This motion is being filed more than twenty-one (21) days after service of the Petition and is therefore timely. Counsel for Patent Owner has conferred with counsel for Petitioner and confirmed that Petitioner does not oppose this motion.

IV. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Brianna Lynn Silverstein to appear *pro hac vice* as backup counsel in this proceeding.

FAEGRE DRINKER BIDDLE
& REATH LLP

Dated: March 20, 2024

By: /Christopher P. Bruenjes/
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*Counsel for Patent Owner
Dyson Technology Limited*

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on March 20, 2024, I caused a true and accurate copy of Patent Owner's Motion for *Pro Hac Vice* Admission of Brianna Lynn Silverstein and Exhibit 2016 to be served on the counsel of record for the Petitioner by filing these documents through the P-TACS System as well as delivering a copy via electronic mail to the following address:

GDC-SharkNinjaIPRD@gibsondunn.com

FAEGRE DRINKER BIDDLE
& REATH LLP

Dated: March 20, 2024

By: /Christopher P. Bruenjes/
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