

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

**PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION
OF BRIAN A. ROSENTHAL UNDER 37 C.F.R. § 42.10**

Pursuant to 37 C.F.R. § 42.10 and in response to the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in the Notice of Filing Date Accorded to Petitioner (Paper Number 3, entered August 30, 2023) (“the Notice”), Petitioners SharkNinja, Inc., SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company, submit this motion for Brian A. Rosenthal to appear *pro hac vice*. Petitioners respectfully request the Board recognize Mr. Rosenthal as counsel *pro hac vice* in this proceeding.

I. TIME FOR FILING

Pursuant to the “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. STATEMENT OF FACTS

Pursuant to the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Rosenthal *pro hac vice*.

Lead counsel for this proceeding, Brian Buroker, is a registered practitioner (Reg. No. 39,125).

Mr. Rosenthal is an experienced litigation attorney and has been involved in numerous patent-infringement cases in Federal District Courts across the country.

He has experience in various aspects of patent-infringement matters including jury and bench trials, Markman hearings, and summary judgment hearings. Mr. Rosenthal is a member in good standing of the New York Bar and the District of Columbia Bar and is admitted to practice before the United States Court of Appeals for the Federal Circuit, the United States Court of Federal Claims, and the United States District Courts for the Southern District of New York, Eastern District of Texas, District of Columbia, and Western District of Texas. Mr. Rosenthal has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him.

III. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF BRIAN A. ROSENTHAL

Mr. Rosenthal has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the *USPTO 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). In the last three (3) years, Mr. Rosenthal has applied for, and been granted, *pro hac vice* status in the following *inter partes* review proceedings: *Dell Technologies Inc. et al. v. Corrigent Corp.*, IPR2023-00370 (Paper 10, April 24, 2023); *Dell Technologies Inc. et al. v. Corrigent Corp.*, IPR2023-00464 (Paper

12, April 27, 2023); *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01175 (Paper 35, October 22, 2023); *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01176 (Paper 37, October 22, 2023); *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01177 (Paper 40, October 22, 2023); *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01194 (Paper 24, October 22, 2023); *Sharkninja Operating LLC et al. v. Bissell Inc.*, IPR2022-01195 (Paper 24, October 22, 2023); *SharkNinja Sales Co et al. v. iRobot Coporation et al.*, IPR2021-00544 (Paper 36, April 6, 2022); *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00491 (Paper 12, May 2, 2023); *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00633 (Paper 12, May 2, 2023); *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00699 (Paper 12, May 25, 2023); *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00731 (Paper 12, July 12, 2023); *Sophos Inc. v. Open Text Inc. et al.*, IPR2023-00732 (Paper 12, July 12, 2023); *Sophos Inc. v. Webroot Inc.*, IPR2023-00528 (Paper 12, May 2, 2023).

Mr. Rosenthal is familiar with the subject matter of this proceeding, the challenged patent, and the record through his participation in this proceeding on behalf of Petitioners, and Petitioners wish to continue using Mr. Rosenthal in this proceeding.

As such, Petitioners respectfully submit that there is good cause for the Board to recognize Mr. Rosenthal as counsel *pro hac vice* in this proceeding.

IV. CONCLUSION

Petitioners respectfully request that the Board admit Mr. Rosenthal *pro hac vice* in this proceeding.

Respectfully Submitted,

DATED: April 10, 2024

/Brian M. Buroker/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Petitioners' Motion For Pro Hac Vice Admission Of Brian A. Rosenthal Under 37 C.F.R. § 42.10 was served on April 10, 2024, by filing this document through the PTAB E2E System, as well as delivering a copy via electronic mail upon the following attorneys of record for Petitioner:

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DATED: April 10, 2024

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