

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 JAY EMERICK**

Patent Owner Dyson Technology Limited (“Dyson”) requests the Board recognize Jay Emerick as counsel *pro hac vice* during this proceeding. A power of attorney from Patent Owner appointing him as backup counsel was previously filed (Paper 22).

This Motion for Admission *Pro Hac Vice* is being filed with the Board’s authorization (Paper 3 at 2) under C.F.R. 42.10(c). The Declaration of Jay Emerick supporting this motion is filed as Ex. 2026. Patent Owner has confirmed that Petitioner does not oppose this motion in correspondence with Petitioner dated July 18, 2024.

I. TIME FOR FILING

Pursuant to Paper No. 3 and 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 ESTABLISHING GOOD CAUSE

Dyson’s lead counsel is a registered practitioner: Christian Huehns (Reg. No. 77,717).

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

1. Mr. Emerick is an experienced patent litigation attorney with over ten years of experience representing clients in patent litigation matters in various

United States District Courts, the International Trade Commission, and the Federal Circuit. Mr. Emerick is also lead counsel for Dyson Technology Limited and Dyson Inc. in three co-pending litigation matters against various SharkNinja and Omachron entities which involve a combined total of 21 patents related to vacuum cleaners: *SharkNinja Operating LLC et al v. Dyson, Inc. et al*, 1-23-cv-12372 (D. Mass); *Dyson Inc. et al v. SharkNinja, Inc. et al*, 2-24-cv-00386 (EDTX); and *Certain Surface Cleaning Devices and Components Thereof*, Inv. No. 337-TA-1404 (ITC).

2. Mr. Emerick has an established familiarity with the subject matter of U.S. Patent No. 10,433,687 and this proceeding through participation in the preparation of Patent Owner's Preliminary Response and Patent Owner's Response and has reviewed all of the Papers and Exhibits in this proceeding.

3. Mr. Emerick 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 District of Illinois, and the United States Court of Appeals for the Federal Circuit.

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

5. In *Seoul Semiconductor Co. v. VividGro, Inc.*, 19-cv-2263, Dkt. 31 (MDFL Sept. 1, 2020) and *Seoul Semiconductor Co. v. Healthe, Inc.*, 19-cv-2264,

Dkt. 34 (MDFL Sept. 1, 2020), the court denied without prejudice motions for Mr. Emerick to appear *pro hac vice*, for non-compliance with local rule requirements. Both motions were subsequently refiled and granted the next day. *Seoul Semiconductor Co. v. VividGro, Inc.*, 19-cv-2263, Dkt. 34 (MDFL Sept. 2, 2020) and *Seoul Semiconductor Co. v. Healthe, Inc.*, 19-cv-2264, Dkt. 37 (MDFL Sept. 2, 2020). Mr. Emerick has otherwise never had an application for admission to practice before any court or administrative body denied.

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

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

8. Mr. Emerick agrees to be subject to the United States Patent and Trademark Office Code of Professional Conduct 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. Emerick has not applied *pro hac vice* in any USPTO proceedings.

III. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MR. EMERICK 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). Dyson's lead counsel in Patent Trial and Appeal Board matters, Christian Huehns, is a registered practitioner before the Board. Based on the facts contained herein, good cause exists to admit Mr. Emerick *pro hac vice*.

Mr. Emerick is an experienced patent litigation attorney and is lead counsel in ongoing litigation between the parties involving 21 patents relating to vacuum cleaner technology. Mr. Emerick has significant experience in patent litigation matters and is actively involved with the strategy and fact development in the matter. In view of Mr. Emerick's extensive patent litigation and his knowledge of the subject matter of this proceeding, Dyson has a substantial need for Mr. Emerick's *pro hac vice* admission and his involvement in the continued prosecution of this proceeding.

IV. CONCLUSION

For the foregoing reasons, Dyson respectfully requests that Jay Emerick be admitted *pro hac vice*.

Date: July 19, 2024

Respectfully submitted,

/s/ Christian Huehns

Christian Huehns (Reg. No. 77,717)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a complete copy of the foregoing document and related exhibit was served on July 19, 2024 on counsel of record for the Petitioners by filing these documents through the P-TACS system and also via email to the following address: GDC-SharkNinjaIPRD@gibsondunn.com

/s/ Christian Huehns

Christian Huehns (Reg. No. 77,717)