UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AYLO FREESITES LTD,
Petitioner
v.

DISH TECHNOLOGIES L.L.C.,
Patent Owner

U.S. Patent 11,470,138
Issue Date: October 11, 2022
Title: APPARATUS, SYSTEM, AND METHOD FOR MULTI-BITRATE CONTENT STREAMING

Inter Partes Review No. IPR2024-00044

PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF PARKER G. ZIMMERMAN

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via PTAB P-TACTS

I. STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and Notice of Filing Date Accorded (Paper 3, "Notice") authorizing the parties to file motions for *pro hac vice* admissions under 37 C.F.R. § 42.10(c), Petitioner Aylo Freesites Ltd ("Petitioner") requests that the Patent Trial and Appeal Board (the "Board") admit Parker G. Zimmerman *pro hac vice* in this proceeding, IPR2024-00044. Patent Owner DISH Technologies L.L.C. has indicated that it does not oppose this Motion.

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 as the Board may impose. Section 42.10(c) indicates that "where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." The facts here, supported by the attached Declaration of Parker G. Zimmerman in Support of Motion for Admission *Pro Hac Vice*, establish good cause for the Board to recognize Parker G. Zimmerman *pro hac vice* in this proceeding.

1. Lead counsel, Frank M. Gasparo, is a registered practitioner.

2. Counsel, Parker G. Zimmerman, is an attorney at the law firm of Venable LLP and practices out of Venable's office in New York, NY. Exhibit 1017, ¶4. Mr. Zimmerman graduated law school in 2022 from Indiana University Maurer School of Law and has been with Venable for almost 2 years. *Id.* at ¶5. His practice has been focused on intellectual property litigation, and he has been involved in many cases involving patent validity and infringement in District Courts across the country. *Id*. Mr. Zimmerman has a degree in computer science, and a significant portion of his work as an attorney has involved digital media, software, and computing technologies, and more specifically network architectures and protocols. *Id.* He established familiarity with the legal issues involved in these proceedings based on my education and experience litigating patents. *Id.*

3. Mr. Zimmerman is a member in good standing of the bar of the State of New York and is admitted to the United States Court of Appeals for the Federal Circuit. *Id.* at ¶6. No court or administrative body has ever denied his application for admission to practice before it. *Id.* at ¶8. No court or administrative body has ever imposed sanctions or contempt citations against him. *Id.* at ¶9. He 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 the Code of Federal Regulations. *Id.* at ¶10. He will 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). *Id.* at ¶11.

4. Mr. Zimmerman is concurrently applying to appear *pro hac vice* before the Office in IPR2024-00043, IPR2024-00045, IPR2024-00046, and IPR2024-00146 which each concern related patents. *Id.* at ¶12. He has not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years. *Id.*

5. Mr. Zimmerman has been involved consistently and substantively in this *Inter Partes* Review proceeding since its inception in October 2023. *Id.* at ¶13. For example, he participated in the drafting of the Petition filed in this proceeding and has reviewed the papers filed in this proceeding. *Id.* Since July 2023, he has been counsel for Petitioner Aylo Freesites Ltd, as well as other Aylo-related entities, in the following, co-pending cases, which are related to and involve the same patent at issue in this proceeding or related patents: *MG Freesites Ltd et al. v. DISH Technologies L.L.C. et al.*, No. 3:23-cv-03674 (N.D. Cal.); *DISH Technologies L.L.C. et al. v. MG Premium Ltd et al.*, No. 2:23-cv-00552 (D. Utah); *Aylo Freesites Ltd f/k/a/ MG Freesites Ltd v. DISH Technologies L.L.C. et al.*, No. 1:24-cv-00086 (D. Del.); *DISH Technologies L.L.C. v. Aylo Freesites Ltd*, No. 2:24-cv-00066 (D. Utah). *Id.*

6. Mr. Zimmerman has engaged in extensive strategic and substantive discussions regarding this proceeding with Frank M. Gasparo, who is the lead counsel for Petitioner, Philip T. Sheng, who is designated as back-up counsel for

Petitioner, and Ian G. Paquette, who is designated as back-up counsel for Petitioner. *Id.* at ¶14. He has also engaged in extensive substantive discussions with experts concerning issues relevant to this proceeding. *Id.*

7. Mr. Zimmerman is also familiar with the subject matter and petition at issue in this proceeding, including the patent, its prosecution history, and the identified references. *Id.*

8. There is good cause for the Board to recognize Mr. Zimmerman *pro hac vice* in this proceeding based on depositions in these proceedings being currently scheduled for the week of September 16. Due to Mr. Zimmerman's technical background, familiarity with the legal and technical issues in this proceeding, and his prior experience in the co-pending district court cases, Petitioner intends to have Mr. Zimmerman take certain upcoming depositions in this proceeding.

III. CONCLUSION

For the foregoing reasons, Petitioner, Aylo Freesites Ltd, respectfully requests that the Board admit Parker G. Zimmerman *pro hac vice* in this proceeding.

DATED: September 10, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2024, I caused a true and correct copy of the foregoing Motion for Admission *Pro Hac Vice* of Parker G. Zimmerman to be served via email to counsel of record:

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DATED: September 10, 2024

Respectfully submitted,

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