

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALIGN TECHNOLOGY, INC.,
Petitioner,

v.

DENTAL MONITORING SAS,
Patent Owner.

Case No. IPR2024-00052

U.S. Patent No. 11,049,248

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
JOSHUA A. KREVITT UNDER 37 C.F.R. § 42.10**

Before the Patent Trial and Appeal Board

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

*Petition for Inter Partes Review
of U.S. Patent No. 11,049,248*

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 Petition” (Paper Number 3, dated September 7, 2023, referred to hereinafter as “Notice”) and in accordance with “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2023-01369, Paper 7,¹ Patent Owner Dental Monitoring SAS submits this motion for Joshua A. Krevitt to appear *pro hac vice*. Patent Owner respectfully requests that the Board recognize Mr. Krevitt’s *pro hac vice* admission during this proceeding.

I. TIME FOR FILING

Pursuant to the “Order – Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639 (hereinafter “the Order”), 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. Krevitt *pro hac vice*.

¹ As referenced in page 2 of the Notice.

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Lead counsel for this proceeding, Charlotte Jacobsen, is a registered practitioner (Reg. No. 80,455).

Mr. Krevitt is an experienced litigation attorney, and has been involved in numerous patent-infringement cases in federal 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. Krevitt is a member in good standing of the New York Bar and the California Bar. He is admitted to practice before the Supreme Court of the United States, the United States Courts of Appeals for the Second Circuit and the Federal Circuit, and the United States District Courts for the Southern District of New York, the Eastern District of Texas, the Northern District of California, and the Central District of California. Mr. Krevitt 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.

Further, Mr. Krevitt has been previously admitted *pro hac vice* before the Patent Trial and Appeals Board in at least IPR Proceedings: IPR2023-00491; IPR2023-00528; IPR2023-00633; and IPR2023-00699.

III. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF JOSHUA A. KREVITT

Mr. Krevitt is counsel for the Patent Owner in a pending litigation, *Dental Monitoring SAS v. Align Technology, Inc.*, Case No. 3:22-cv-07335-WHA, pending in the United States District Court for the Northern District of California. That litigation involves U.S. Patent No. 11,049,248 (“the ’248 Patent”), the same patent at issue in this proceeding. In his role as counsel in the pending litigation, Mr. Krevitt has reviewed and is familiar with the ’248 Patent and the asserted prior-art references and invalidity claim charts. Further, Mr. Krevitt has been involved, and is familiar, with the factual and legal arguments at issue in that case. As such, Mr. Krevitt has established familiarity with the subject matter at issue in this proceeding.

Mr. Krevitt 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).

Patent Owner has expended significant financial resources in the pending litigation with Mr. Krevitt as counsel, and Patent Owner wishes to continue using Mr. Krevitt in this proceeding.

As such, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Krevitt as counsel *pro hac vice* in this proceeding.

IV. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion for *pro hac vice* admission is accompanied by a Declaration of Mr. Joshua A. Krevitt (Exhibit 2001).

V. CONCLUSION

Patent Owner respectfully requests that the Board admit Mr. Krevitt *pro hac vice* in this proceeding.

*Petition for Inter Partes Review
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DATED: November 7, 2023

Respectfully Submitted,

By: /Charlotte Jacobsen/

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies that on November 7, 2023, a complete copy of Patent Owners' Motion for *Pro Hac Vice* Admission of Joshua A. Krevitt Under 37 C.F.R. § 42.10 and Affidavit of Mr. Josh Krevitt (Exhibit 2001) were served in their entirety on the Patent Owner's counsel of record by email to:

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DATED: November 7, 2023

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