UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DROPBOX, INC.
Petitioner

v.

MOTION OFFENSE, LLC
Patent Owner

IPR2024-00286
U.S. Patent No. 11,611,520

PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF LIV L. HERRIOT PURSUANT TO 37 C.F.R. § 42.10(c)

I. STATEMENT OF RELIEF REQUESTED

Petitioner Dropbox, Inc. respectfully requests that the Patent Trial and Appeal Board ("Board") enter an order granting the *pro hac vice* admission of Liv L. Herriot as back-up counsel for Petitioner in this proceeding, IPR2024-00286.[1] Petitioner have conferred with counsel for Patent Owner, and Patent Owner does not oppose this motion.

II. APPLICABLE RULES

Pursuant to 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." "[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." *Id.*

The Board set forth requirements for filing motions for *pro hac vice* admission in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 ("Order –

[1] Petitioner is concurrently filing an unopposed motion to admit Liv L. Herriot as back-up counsel for Petitioner in IPR2024-00287.

Authorizing Motion For Pro Hac Vice Admission – 37 C.F.R. §42.10") (P.T.A.B. Oct. 15, 2013). A motion seeking *pro hac vice* admission must be filed no sooner than twenty-one (21) days after service of the petition, must contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding, and must be accompanied by a declaration or affidavit of the individual seeking *pro hac vice* admission. *Id.* at 2–3. The affidavit or declaration must attest to: (1) membership in good standing of the Bar of at least one State or the District of Columbia; (2) no suspensions or disbarments from any practice before any court or administrative body; (3) no application for admission to practice before any court or administrative body ever denied; (4) no sanctions or contempt citations imposed by any court or administrative body; (5) the individual seeking to appear 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 37 C.F.R.; (6) the individual 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); (7) all other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and (8) familiarity with the subject matter at issue in the proceeding. *Id.*

III. FACTS DEMONSTRATING GOOD CAUSE FOR THE BOARD TO RECOGNIZE LIV L. HERRIOT *PRO HAC VICE* DURING THIS PROCEEDING

On January 22, 2024, Petitioner filed a petition for *inter partes* review in IPR2024-00286 directed to U.S. Patent No. 11,611,520 (the "'520 patent"). Petitioner' lead counsel, Trishan Esram, is a registered practitioner (Registration No. 74,075). Liv L. Herriot, a Special Counsel at Wilmer Cutler Pickering Hale and Dorr LLP, seeks *pro hac vice* admission in this proceeding. Accompanying this motion as Exhibit 1025 is the Declaration of Liv L. Herriot in Support of Motion for Admission *Pro Hac Vice* ("Herriot Decl.").

Ms. Herriot is a member of good standing of the Bar of the State of California. *See* Herriot Decl. (EX1025), ¶¶3–4. She has never been suspended or disbarred from practice before any court or administrative body, and she has never been denied admission to practice before any court or administrative body. *See* Herriot Decl. (EX1025), ¶¶5–6. No court or administrative body has ever imposed sanctions or contempt citations on Ms. Herriot. *See* Herriot Decl. (EX1025), ¶7.

Ms. Herriot 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 37 C.F.R. Ms. Herriot understands that she 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). *See* Herriot Decl. (EX1025), ¶¶8–9.

Ms. Herriot has not appeared *pro hac vice* before the United States Patent and Trademark Office in the last three years. *See* Herriot Decl. (EX1025), ¶10.

As her accompanying declaration demonstrates, Ms. Herriot has an established familiarity with the subject matter at issue in this proceeding. *See* Herriot Decl. (EX1025), ¶¶11–12. Ms. Herriot is an experienced patent litigator with fifteen years of experience. *See* Herriot Decl. (EX1025), ¶2. Ms. Herriot has reviewed the '520 patent and its file history, as well as the Petition, Institution Decision, and the exhibits in this proceeding. *See* Herriot Decl. (EX1025), ¶11. Ms. Herriot represents Petitioner in *Motion Offense, LLC v. Dropbox, Inc.*, Case No. 6:23-cv-00303 (W.D. Tex.), the related district court litigation identified in Petitioner's Mandatory Notices. *See* Herriot Decl. (EX1025), ¶12. Ms. Herriot also represents Petitioner in *Motion Offense, LLC v. Dropbox, Inc.*, Case No. 6:20-cv-00251 (W.D. Tex.). Through these litigations, Ms. Herriot developed extensive experience with the subject matter at issue in this proceeding.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Liv L. Herriot *pro hac vice* in this proceeding.

Respectfully Submitted,

Date: September 25, 2024

/Trishan Esram/

Trishan Esram
Registration No. 74,075
Counsel for Petitioner

UPDATED TABLE OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 11,611,520
1002	Declaration of Dr. Todd Mowry
1003	U.S. Patent No. 8,825,597 ("Houston")
1004	U.S. Patent No. 9,633,125 ("Garcia")
1005	U.S. Patent Application Publication No. 2010/0005138 ("Manzano")
1006	U.S. Patent Application Publication No. 2007/0011246 ("Wu")
1007	[Reserved]
1008	U.S. Patent Application Publication No. 2012/0278404 ("Meisels")
1009	U.S. Patent Application Publication No. 2013/0067303 ("Kantor")
1010	[Reserved]
1011	"SugarSync now allows you to work directly in Windows Explorer," D. Mihovilovic, May 6, 2009
1012	Internet Archive Declaration of Nathaniel E Frank-White
1013	*Motion Offense, LLC v. Dropbox, Inc.*, WDTX-6:20-cv-00251, Jury Verdict Form, May 19, 2023, Dkt. 382
1014	'520 Patent File History
1015	U.S. Patent No. 6,351,776 ("O'Brien")

Exhibit	Description
1016	U.S. Patent Application Publication No. 2008/0320397 ("Do")
1017	"Supporting File Sharing Through Improved Awareness," T. Whalen, August 2008
1018	*Motion Offense, LLC v. Dropbox, Inc.*, WDTX-6:23-cv-00303, First Amended Complaint for Patent Infringement, July 26, 2023, Dkt. 22
1019	[Reserved]
1020	[Reserved]
1021	[Reserved]
1022	[Reserved]
1023	*Motion Offense, LLC v. Dropbox, Inc.*, WDTX-6:23-cv-00303, Plaintiff's Disclosure of Preliminary Infringement Contentions, September 20, 2023
1024	Declaration of Gregory H. Lantier
1025	Declaration of Liv L. Herriot

CERTIFICATE OF SERVICE

I hereby certify that, on September 25, 2024, I caused a true and correct copy of the foregoing materials:

- Petitioner's Unopposed Motion for *Pro Hac Vice* Admission of Liv L. Herriot Pursuant to 37 C.F.R. § 42.10(c)
- Petitioner's Updated Table of Exhibits
- EX1025

to be served via electronic mail by consent on counsel of record at:

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Respectfully Submitted

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