UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioners

v.

AMERICAN GNC CORPORATION,
Patent Owner

Case No. IPR2024-00668
U.S. Patent No. 6,671,648 B2

PETITIONERS' UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF MARK R. WEINSTEIN UNDER 37 C.F.R. § 42.10(c)

Petitioners Nintendo Co., Ltd. and Nintendo of America Inc. respectfully request that the Board recognize Mark R. Weinstein, Esq., as counsel *pro hac vice* during this proceeding. Patent Owner's counsel do not oppose this Motion.

BACKGROUND

Petitioners' Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the Order—Authorizing Motion for *Pro Hac Vice* Admission in Case No. IPR2013-00639 ["the Order"], and pursuant to the Board's advanced authorization expressed in the Board's Notice of Filing Date Accorded and time for Filing Patent Owner's Preliminary Response dated March 12, 2024 (Paper No. 4).

STATEMENT OF FACTS

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Weinstein *pro hac vice*.

Mr. Weinstein is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts. Mr. Weinstein's biography is attached hereto as Exhibit 1028 to this Motion.

Mr. Weinstein has reviewed U.S. Patent No. 6,671,648 and the petition already filed in this proceeding. Further, Mr. Weinstein is counsel for Petitioners in the pending litigation between the parties involving U.S. Patent No. 6,671,648, entitled *American GNC Corporation v. Nintendo Co.*, No. 2:23-cv-00302-TL (W.D. Wash.), and as such, is familiar with the subject matter at issue in this proceeding.

Therefore, Petitioners respectfully submit that there is good cause for the Board to recognize Mr. Weinstein as counsel *pro hac vice* during this proceeding.

DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

Petitioners' Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Mark R. Weinstein attached hereto as Exhibit 1029 as required by the Order.

Dated: October 25, 2024

Respectfully submitted,

/s/ Matthew J. Brigham
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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6, that a complete copy of the attached **UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF MARK R. WEINSTEIN UNDER 37 C.F.R. § 42.10(c)** and related documents, are being served via electronic mail on the 25th day of October 2024, upon Patent Owner's counsel as follows:

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Dated: October 25, 2024

/s/ Matthew J. Brigham
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