

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC; CAPITAL ONE, NATIONAL ASSOCIATION,
Petitioner,

v.

IMPLICIT, LLC,
Patent Owner.

Case IPR2024-00787
U.S. Patent No. 6,976,248

**PETITIONER CAPITAL ONE, NATIONAL ASSOCIATION'S MOTION
FOR *PRO HAC VICE* ADMISSION OF DEVON C. BEANE**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Capital One National Association (“Capital One” or “Petitioner”), respectfully requests that the Board recognize Devon Beane as counsel *pro hac vice* during this proceeding. The facts, supported by the attached Declaration of Devon Beane in Support of Motion for *Pro Hac Vice* Admission (Ex. 1025), establish good cause to admit Ms. Beane *pro hac vice* in this proceeding.

II. STATEMENT OF FACTS

Based on the following facts, and supported by the Declaration of Devon Beane submitted herewith (Ex. 1025), Petitioner requests the *pro hac vice* admission of Devon Beane in this proceeding:

1. Petitioner’s lead counsel Cameron Westin (Reg. No. 66,188), and first back-up counsel Jason Engel (Reg. No. 51,654), are registered practitioners before the Board.
2. Ms. Beane is an intellectual property litigation attorney at K&L Gates LLP with over thirteen (13) years of experience representing clients in a range of patent litigation matters in various district courts across the country, in the Court of Appeals for the Federal Circuit, and in the International Trade Commission. (Ex. 1025, ¶ 1). Ms. Beane is experienced in all phases of patent litigation, including fact and expert

discovery, witness preparation, discovery and dispositive motion practice, claim construction practice, and trial and post-trial proceedings.

3. Ms. Beane is a member in good standing of the Bar of the State of Illinois. She is also admitted to practice before the United States District Court for the Northern District of Illinois, the United States District Court for the District of Colorado, and the United States Court of Appeals for the Federal Circuit. (Ex. 1025, ¶ 2).
4. Ms. Beane has never been suspended or disbarred from practice before any court or administrative body. (Ex. 1025, ¶ 3). She has never had an application for admission to practice before any court or administrative body denied. (*Id.*, ¶ 4). Nor has any court or administrative body imposed sanctions or contempt citations against her. (*Id.*, ¶ 5).
5. Ms. Beane 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 C.F.R. (Ex. 1025, ¶ 6).
6. Ms. Beane agrees to be subject to the United States Patent and Trademark Office's 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). (Ex. 1025, ¶ 7).

7. In the past three years, Ms. Beane has applied to appear *pro hac vice* before the U.S. Patent and Trademark Office in the following matters: IPR2021-01450, IPR2021-01451, IPR2021-01452, IPR2021-01453, IPR2022-00189, IPR2022-00190, IPR2022-00191, IPR2022-00487, IPR2022-00488, and IPR2023-00014. Ms. Beane is concurrently applying for *pro hac vice* admission in IPR2024-00643 and IPR2024-00878 (Ex. 1025, ¶ 8).
8. Ms. Beane has established familiarity with the subject matter at issue in this proceeding through participation in the district court action captioned *Implicit, LLC v. Capital One, National Association*, Case No. 4:23-cv-00770-SDJ (E.D. Tex.), which involves U.S. Patent No. 6,976,248. Ms. Beane has reviewed in detail the patent, pleadings, and exhibits in the instant proceeding (Ex. 1025, ¶¶ 9-10).

III. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MS. BEANE IN THIS PROCEEDING

The Board may recognize counsel *pro hac vice* 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. 37 C.F.R. § 42.10(c).

The facts outlined above in the Statement of Facts, and contained in the Declaration of Devon Beane (Ex. 1025), establish that there is good cause to admit

Ms. Beane *pro hac vice* in this proceeding. Petitioner's lead counsel Cameron Westin, and first back-up counsel Jason Engel, are registered practitioners. Ms. Beane is an experienced patent litigation attorney and has established familiarity with the subject matter at issue in this proceeding. Further, Ms. Beane is actively involved with the strategy and fact development in this matter. In view of Ms. Beane's extensive patent litigation experience, and knowledge of the subject matter of this proceeding, Petitioner has a substantial need for Ms. Beane's *pro hac vice* admission to this proceeding.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Ms. Beane *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: June 6, 2024

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CERTIFICATE OF SERVICE

A copy of this Motion for *Pro Hac Vice* Admission has been served at the following correspondence address of record for the subject patent via Federal Express Priority Overnight® on this 6th day of June, 2024:

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