

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Dr. Squatch LLC

Petitioner

v.

The Procter & Gamble Company

Patent Owner

Case IPR2024-01173

U.S. Patent No. 10,905,647

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
ANDREA WEISS JEFFRIES PURSUANT TO 37 C.F.R § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner, The Procter & Gamble Company, respectfully requests the *pro hac vice* admission of Andrea Weiss Jeffries in these proceedings.

II. LEGAL STANDARD

In an Inter Partes Review (IPR), the Board has discretion under 37 C.F.R. § 42.10(c) to recognize counsel *pro hac vice*. 37 C.F.R. § 42.10(c) provides that:

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. For example, where the 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 showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

In the Notice of Filing Date Accorded (Paper 3) for this proceeding, the Board advised that motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the “Order – Authorizing Motion for Pro Hac Vice Admission” entered in Case IPR2013-00639, Paper 7 (“Unified Patent Order”).

The Unified Patent Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding;” and (2) “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following”:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. 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 the C.F.R.;
- vi. 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).
- vii. All other proceedings before the Office for which the individual has applied to appear pro hac vice in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Ms. Jeffries (Exhibit A) submitted herewith, Patent Owner requests the pro hac vice admission of Andrea Weiss Jeffries in these proceedings:

1. Patent Owner's lead counsel, David Maiorana, is a registered practitioner (Reg. No. 41,449).

2. Ms. Jeffries is an attorney at the law firm of Jones Day. (Ex. A at ¶ 3.)

3. Ms. Jeffries is an experienced patent litigation attorney. Ms. Jeffries has been a patent litigation attorney for approximately 25 years, and in that time period has litigated numerous patent infringement actions involving a variety of matters. (*Id.*)

4. Ms. Jeffries is a member of good standing of the State Bar of California. (*Id.* at ¶ 5.)

5. Ms. Jeffries has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)

6. No application of Ms. Jeffries for admission to practice before any court or administrative body has ever been ultimately denied. (*Id.* at ¶ 6.)

7. No sanctions or contempt citations have ever been imposed against Ms. Jeffries by any court or administrative body. (*Id.* at ¶ 7.)

8. Ms. Jeffries 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. (*Id.* at ¶ 8.)

9. Ms. Jeffries understands that she will be subject to 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 ¶ 9.)

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

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. 37 C.F.R. § 42.10(c). Patent Owner’s lead counsel, David Maiorana, is a registered practitioner. Based on the facts contained herein, as supported by Ms. Jeffries’ Affidavit, good cause exists to admit Ms. Jeffries *pro hac vice* in these proceedings.

Ms. Jeffries has an established familiarity with the subject matter at issue in these proceedings. (Ex. A at ¶ 11.)

Ms. Jeffries has reviewed in detail the pleadings and exhibits submitted by Petitioner in Cases IPR2024-01104, IPR2024-01105, IPR2024-01173, and IPR2024-01174. (*Id.* at ¶ 11.) Ms. Jeffries has also reviewed in detail the challenged patents, U.S. Patent Nos. 11,497,706 (the “’706 patent”); 10,905,647 (the “’647 patent”); 10,966,915 (the “’915 patent”); and 11,540,999 (the “’999 patent”). (*Id.* at

¶ 14.) Ms. Jeffries has engaged in hours of strategic and substantive discussions regarding these proceedings with David Maiorana, who is the lead counsel for Patent Owner in these proceedings. (*Id.* at ¶ 10.) Ms. Jeffries is also counsel of record in litigation involving the '706 patent, the '647 patent, the '915 patent, and the '999 patent before the United States District Court for the Central District of California (Civil Action No. 2:24-cv-04711-SVW-PD). (*Id.* at ¶ 14.)

Thus, Ms. Jeffries has an established familiarity with the subject matter at issue in these proceedings. Ms. Jeffries' significant litigation experience and expertise will be of great value to Patent Owner.

Based on the facts contained herein, as supported by Ms. Jeffries' Affidavit, good cause exists to admit Ms. Jeffries *pro hac vice* in these proceedings.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that Ms. Jeffries be admitted *pro hac vice* in these proceedings.

Respectfully submitted,

Date: September 27, 2024

/s/ David M. Maiorana

David M. Maiorana
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), I certify that I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing by email September 27, 2024, at the following address:

Justin J. Oliver
Sarah S. Brooks
VENABLE LLP
DrSquatch-IPRs@Venable.com

Date: September 27, 2024

/s/ David M. Maiorana

David M. Maiorana
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Exhibit A

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**AFFIDAVIT IN SUPPORT OF PATENT OWNER'S MOTION FOR
PRO HAC VICE ADMISSION OF ANDREA WEISS JEFFRIES
PURSUANT TO 37 C.F.R. § 42.10(c)**

1. I, Andrea Weiss Jeffries, am more than twenty-one years of age, am competent to present this affidavit, and have personal knowledge of the facts set forth herein.

2. This affidavit is given in support of Patent Owner The Procter & Gamble Company's Motion for *Pro Hac Vice* Admission.

3. I am an attorney at the law firm of Jones Day.

4. I have been a patent litigation attorney for approximately 25 years, and I have been litigating patent cases during that entire time period. I have litigated numerous patent infringement actions involving a variety of matters.

5. I am a member in good standing of the State Bar of California. I have never been suspended or disbarred from practice before any court or administrative body.

6. I have never been ultimately denied admission to practice before any court or administrative body.

7. No court or administrative body has ever imposed sanctions or contempt citations on me.

8. I have 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.

9. I understand that I 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).

10. I am concurrently seeking *pro hac vice* admission to appear in Patent Owner's co-pending related matters, Cases IPR2024-01104, IPR2024-01105, and IPR2024-01174.

11. I have an established familiarity with the subject matter at issue in this proceeding. I have read and understand the pleadings submitted by Petitioner in this proceeding and in Cases IPR2024-01104, IPR2024-01105, and IPR2024-01174.

12. I have engaged in hours of strategic and substantive discussions regarding this proceeding with David Maiorana, who is the lead counsel for Patent Owner in this proceeding and in Cases IPR2024-01104, IPR2024-01105, and IPR2024-01174.

13. Through my nearly 25 years of patent litigation experience, I am very familiar with the legal theories advanced in this case.

14. I have reviewed in detail the patent challenged in this proceeding, U.S. Patent No. 10,905,647 (the "'647 patent"); as well as U.S. Patent Nos. 11,497,706 (the "'706 patent"); 10,966,915 (the "'915 patent"); and 11,540,999 (the "'999 patent"). I have also reviewed Exhibits submitted by Petitioner in this proceeding. I am also counsel of record in litigation involving the '647 patent, '706 patent, '915

patent, and '999 patent before the United States District Court for the Central District of California (Civil Action No. 2:24-cv-04711-SVW-PD).

15. I understand that IPR counsel for Petitioner has agreed not to oppose Patent Owner's motion for my *pro hac vice* admission in this proceeding.

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and I further declare that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

Dated: September 27, 2024

/s/ Andrea W. Jeffries

Andrea W. Jeffries