

IPR2024-01234

Patent Owner's Motion for *Pro Hac Vice* Admission of Michael J. Sacksteder

Filed on behalf of FriendliAI Inc.

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUGGING FACE, INC.

Petitioner,

v.

FRIENDLIAI INC.

Patent Owner.

Case No. IPR2024-01234

Patent 11,442,775

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

I. RELIEF REQUESTED

Pursuant to the authorization provided by the Board in Paper No. 5 at page 2, Patent Owner FriendliAI Inc. petitions under 37 C.F.R. § 42.10(c) for the *pro hac vice* admission of Michael J. Sacksteder in this proceeding.

II. GOVERNING LAWS, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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.

III. STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of Michael J. Sacksteder submitted herewith as Exhibit 2010 ("Ex. 2010"), Patent Owner submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of Michael J. Sacksteder in this proceeding:

1. This authorized petition is filed more than twenty-one (21) days after Petitioner's service of the PETITION FOR INTER PARTES REVIEW OF USPN 11,442,775 UNDER 35 U.S.C. §§ 311 ET SEQ. AND 37 C.F.R. § 42.100 ET SEQ. (Paper No. 2).

2. Patent Owner's current lead counsel, Jennifer R. Bush, is a registered practitioner (Reg. No. 50,784).

3. Mr. Sacksteder is a partner at the law firm of Fenwick & West LLP. Ex. 2010 ¶ 3.

4. Mr. Sacksteder is an experienced litigating attorney and has been litigating cases relating to patents for over twenty-five years. *Id.* ¶ 4.

5. Mr. Sacksteder has an established familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 11. He has also reviewed the challenged patent and the petition filed in this case. *Id.*

6. Mr. Sacksteder is a member in good standing of the California State Bar. *Id.* ¶ 5.

7. Mr. Sacksteder has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 5.

8. No application filed by Mr. Sacksteder for admission to practice before any court or administrative body has ever been denied. *Id.* ¶ 6.

9. No sanctions or contempt citations have been imposed against Mr. Sacksteder by any court or administrative body. *Id.* ¶ 7.

10. Mr. Sacksteder has read and agrees to comply with the Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R. *Id.* ¶ 8.

11. Mr. Sacksteder understands that he will be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 9.

12. On April 25, 2024, Mr. Sacksteder applied to be admitted *pro hac vice* in IPR2024-00659. The Board granted that motion on May 6, 2024. On August 15, 2023, Mr. Sacksteder applied to be admitted *pro hac vice* in *Inter Partes* Review Nos. IPR2023-00341, IPR2023-00342, and IPR2023-00339. The Board granted those motions on August 24, 2023. On August 2, 2023, Mr. Sacksteder applied to be admitted *pro hac vice* in *Inter Partes* Review Nos. IPR2022-00923, IPR2022-00924, and IPR2022-00925. The Board granted those motions on August 16, 2023. Additionally, Mr. Sacksteder has appeared *pro hac vice* in numerous IPR petitions prior to the three-year period. *Id.* ¶ 10.

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

The facts outlined above in the Statement of Facts, and contained in the Declaration of Michael J. Sacksteder (Ex. 2010), establish the good cause to admit Mr. Sacksteder *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Mr. Sacksteder is an experienced litigating attorney, and Mr. Sacksteder has an established familiarity with the subject matter at issue.

V. CONCLUSION

For the foregoing reasons as well as the reasons in the attached declaration, Patent Owner FriendlyAI Inc. respectfully requests the *pro hac vice* admission of Michael J. Sacksteder in this proceeding.

Dated: October 10, 2024

FENWICK & WEST LLP

/Jennifer R. Bush/
JENNIFER R. BUSH
Reg. No. 50,784
Attorney for Patent Owner

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on October 10, 2024, I caused a true and correct copy of the foregoing PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF MICHAEL J. SACKSTEDER to be electronically served on Petitioner's lead and backup counsel at the following addresses:

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Dated: October 10, 2024

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