

IPR2024-01234

Declaration of Michael J. Sacksteder

Filed on behalf of FriendliAI Inc.

By:

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MICHAEL J. SACKSTEDER (*pro hac vice* forthcoming)

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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

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

Declaration of Michael J. Sacksteder

I, Michael J. Sacksteder, declare as follows:

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

2. This declaration is made in support of FriendliAI Inc.'s Motion for *Pro Hac Vice* Admission of Michael J. Sacksteder Pursuant to 37 C.F.R. § 42.10(c).

3. I am a partner at the law firm of Fenwick & West LLP.

4. I have been a litigating attorney for more than twenty-five years. I have been litigating patent cases throughout that time.

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

6. No court or administrative body has ever denied my application for admission to practice before it.

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

8. I have read and will comply with the Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations.

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. On April 25, 2024, I applied to be admitted *pro hac vice* in IPR2024-00659. The Board granted that motion on May 6, 2024. On August 15, 2023, I 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, I 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, I have appeared *pro hac vice* in numerous IPR petitions prior to the three-year period.

11. I am familiar with the subject matter at issue in this proceeding and have reviewed in detail the '775 patent, which is the patent challenged in this proceeding, as well as the petition. In addition, I am lead counsel for FriendliAI Inc. in a district court patent infringement litigation captioned, *FriendliAI v. Hugging Face, Inc.*, Case No. 23-cv-00816-UNA (District of Delaware), involving the same parties and patent at issue here.

12. 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 further that these statements are made with the knowledge that willful false

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Declaration of Michael J. Sacksteder

statements and the like so made are punishable by fine or imprisonment, or both,
under Section 1001 of Title 18 of the United States Code.

EXECUTED at San Francisco, California, on October 10, 2024

/Michael J. Sacksteder/

Michael J. Sacksteder