Patent Owner's Motion for Admission *Pro Hac Vice* of Jonathan Swisher

Filed on behalf of Nike, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SKECHERS U.S.A., INC.,
Petitioner,

v.

NIKE, INC.,
Patent Owner.

Case IPR2025-00143
U.S. Patent No. 9,986,781

PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF JONATHAN SWISHER

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 7 authorizing the parties to file motions for pro hac vice admission under 37 C.F.R. § 42.10(c), Patent Owner Nike, Inc. ("Nike") requests that the Patent Trial and Appeal Board (the "Board") admit Jonathan Swisher *pro hac vice* in this proceeding, IPR2025-00143. Petitioner Skechers U.S.A., Inc. ("Petitioner") does not oppose this motion.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), 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 the Board may impose. Section 42.10(c) indicates that, "where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." The facts here establish good cause for the Board to recognize Mr. Swisher *pro hac vice* in this proceeding.

Lead counsel, Michael Harris, is a registered practitioner. Back-up counsel Aaron Bowling and Michael Sebba are also registered practitioners.

Mr. Swisher is an experienced litigator who has an established familiarity with the subject matter at issue in the proceeding. Attached to this motion as Exhibit 2003 is a Declaration of Jonathan Swisher in Support of Patent Owner's Motion for Admission *Pro Hac Vice* (the "Swisher Decl."). In his declaration, Mr. Swisher attests:

> I am a member in good standing of the Bars of California (Bar number 291651) and New York (Bar number 4904462). I am admitted to practice before the United States District Court for the Northern District of California, the United States District Court for the Southern District of New York, and the United States Court of Appeals for the Federal Circuit.

Swisher Decl., at ¶ 3 (Ex. 2003). Mr. Swisher also states that he has an established relationship with Patent Owner Nike, and a detailed working knowledge of the relevant subject matter of U.S. Patent No. 9,986,781 and Nike's athletic and fitness-related products, including through his representation of Nike in actions involving Nike's athletic and fitness-related products. *Id.*, ¶ 9 (Ex. 2003). Mr. Swisher also has extensive experience with patent disputes as a result of his representation of other companies in patent litigation matters. *Id.*, ¶ 10 (Ex. 2003).

In his declaration, Mr. Swisher attests to each of the items required by the Order – Authorizing Motion for Pro Hac Vice Admission – 37 C.F.R. § 42.10 in IPR2013-00639, Paper 7. *See id.* ¶¶ 1-11 (Ex. 2003). Mr. Swisher attests that he has read and will comply with the United States Patent and Trademark Office's Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R., Part 42. *Id.* ¶ 7 (Ex. 2003). Mr. Swisher further attests that he agrees to be subject to the United States Patent and Trademark Office's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 8 (Ex. 2003).

III. Conclusion

For the foregoing reasons, Nike respectfully requests that the Board admit Mr. Swisher *pro hac vice* in this proceeding.

Dated: April 8, 2025

Respectfully submitted,

/s/ Michael J. Harris

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 8, 2025, I caused a true and correct copy of this **MOTION FOR ADMISSION *PRO HAC VICE* OF JONATHAN SWISHER** and accompanying Exhibit 2003 to be served via e-mail on the following attorneys of record:

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