UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

EYESMATCH LTD.,
Patent Owner

Case No. IPR2025-00296
U.S. Patent No. 8,982,110

PATENT OWNER EYESMATCH LTD.'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF NATASHA M. SAPUTO UNDER 37 C.F.R. § 42.10(c)

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner EyesMatch Ltd. ("EyesMatch" or "Patent Owner"), respectfully requests that the Board recognize Natasha M. Saputo as counsel *pro hac vice* in this proceeding. Patent Owner seeks the counsel of Ms. Saputo due to her familiarity with the '110 patent and prior art identified in the Petition in this proceeding based on her representation of EyesMatch before the U.S. District Court for the Eastern District of Texas, as well as her experience in representing clients in patent cases in major patent venues, including U.S. District Courts, the U.S. Court of Appeals for the Federal Circuit, and the International Trade Commission, and would like Ms. Saputo to participate in the trial of this *inter partes* review proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 6) that was mailed on January 15, 2025 ("Notice").

Petitioners have confirmed that it will not oppose this motion.

I. GOVERNING RULES AND PRECEDENT

37 C.F.R. § 42.10(c) provides:

> 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.

The Board has specified that motions under 37 C.F.R. § 42.10(c) should be filed "in accordance with the 'Order -- Authorizing Motion *for Pro Hac Vice* Admission' in Case IPR2013-00639, Paper 7." Notice at 2. That Order states that the motion must "[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding" and that it must "[b]e accompanied by an affidavit or declaration of the individual seeking to appear" that attests to the facts specified in the Order. *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013) ("*Unified Patents* Order").

The statement of facts that follows shows there is good cause for the Board to recognize Ms. Saputo as counsel *pro hac vice* during this proceeding. This Motion for *Pro Hac Vice* Admission is accompanied by the required Declaration of Ms. Saputo that includes the facts specified in the *Unified Patents* Order.

II. STATEMENT OF FACTS

Patent Owners' lead counsel, John C. Pierce, is a registered practitioner (Reg. No. 79,938).

Ms. Saputo is an experienced patent litigation attorney with approximately ten years of experience representing clients in patent cases involving numerous technologies. Ms. Saputo has experience as a patent litigator before the U.S. District Courts, the International Trade Commission, and the United States Court of Appeals for the Federal Circuit. Through her practice in such cases, Ms. Saputo has gained substantial experience in patent litigation including jury trials, bench trials, fact discovery, expert discovery, *Markman* hearings, trials before administrative law judges, and appeals before the Federal Circuit. Patent Owner provides Exhibit A of Ms. Saputo's accompanying declaration as evidence.

Ms. Saputo is a member in good standing of the State Bars of California, New York, the District of Columbia, and Virginia. She is also admitted to practice before the United States Court of Appeals for the Federal Circuit and before the United States District Courts for the Northern District of California, the Central District of California, the Eastern District of Texas, and the Eastern District of Virginia. Ms. Saputo has never been suspended or disbarred from practice before any court or administrative body and has never had an application for admission to practice before any court or administrative body denied. Also, no sanction or contempt citation has been imposed against Ms. Saputo by any court or administrative body. Ms. Saputo has read and agrees to comply with the Office

Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in Part 42 of 37 C.F.R., and 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). Ms. Saputo has applied to appear *pro hac vice* motions in Proceeding Nos. IPR2022-00370, IPR2022-00371, IPR2022-00489, and IPR2022-00490 in the last three years. All motions were either granted or, in the case of IPR2022-00370, IPR2022-00371, IPR2022-00489, and IPR2022-00490, the proceedings were never instituted and instead were terminated following a joint motion to terminate by the parties. Ms. Saputo is now concurrently applying to appear *pro hac vice* in Proceeding No. IPR2025-00297.

Ms. Saputo also has an established familiarity with the subject matter at issue in this *inter partes* review proceeding, including the substantive and technical issues involved. Ms. Saputo is trial counsel for EyesMatch Ltd., the Patent Owner in this proceeding, in the U.S. District Court for the Eastern District of Texas, Case No. 2:23-cv-00363-JSG-RSP, which involves the same patent (U.S. Patent No. 8,982,110) and the same references identified in the Petition in this proceeding as the grounds for challenge. Ms. Saputo has reviewed and considered the Petition and supporting exhibits, the art presented in the Petition,

and U.S. Patent No. 8,982,110. Should the present motion be granted, Patent Owner intends for Ms. Saputo to participate in the trial of this IPR proceeding.

III. CONCLUSION

Accordingly, Patent Owner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Natasha M. Saputo as counsel *pro hac vice* during this proceeding.

Dated: January 21, 2025

Respectfully submitted.

/John C. Pierce/

John C. Pierce
USPTO Reg. No. 79,938
Tensegrity Law Group LLP
1676 International Drive
Suite 910
McLean, VA 22102
Telephone: 865-388-5914
Facsimile: 650-802-6001
Email: john.pierce@tensegritylawgroup.com

Counsel for Patent Owner
EyesMatch, Ltd.

CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

The undersigned hereby certifies that on January 21, 2025, copies of PATENT OWNER EYESMATCH LTD.'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF NATASHA M. SAPUTO UNDER 37 C.F.R. § 42.10(c) and EHXIBIT 2003 were served via Electronic Mail to the following:

Lead Counsel	**Backup Counsel**
Alexander Stein (Reg. No. 71,397) Morgan, Lewis & Bockius LLP 1301 Second Ave. Suite 3000 Seattle, WA 98101 (206) 274-6400 Microsoft-EyesMatch-IPRs@morganlewis.com	Timmy Lee (Reg. No. 79,856) Morgan, Lewis & Bockius LLP 1400 Page Mill Road Palo Alto, CA 94304 (650) 843-4000 Microsoft-EyesMatch-IPRs@morganlewis.com

/John C. Pierce/
John C. Pierce
USPTO Reg. No. 79,938
Tensegrity Law Group LLP
1676 International Drive
Suite 910
McLean, VA 22102
Telephone: 865-388-5914
Facsimile: 650-802-6001
Email: john.pierce@tensegritylawgroup.com

Counsel for Patent Owner
EyesMatch, Ltd.