UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC., and
AMAZON WEB SERVICES, INC.,
Petitioners,

v.

DIVX, LLC,
Patent Owner.

_____

Case IPR2025-01223
Patent 11,611,785

_____

**PATENT OWNER DIVX LLC'S
MOTION FOR *PRO HAC VICE* ADMISSION
OF DENNIS J. COURTNEY
UNDER 37 C.F.R. § 42.10(c)**

EXHIBIT LIST	
2001	Lowenstein Declaration In Support of Notice of Intent
2002	Woo Declaration In Support of Notice of Intent
2003	Declaration of Dennis J. Courtney in Support of Motion for *Pro Hac Vice* Admission

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Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner DivX, LLC ("Patent Owner") respectfully requests that the Board admit Dennis J. Courtney *pro hac vice* in this proceeding as back-up counsel. Patent Owner has met and conferred with Petitioner, and Petitioner does not oppose this motion.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c), 37 C.F.R., 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.

The Board has further required that a motion for *pro hac vice* admission be filed in accordance with the "Order - Authorizing Motion for *Pro Hac Vice* Admission" entered in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013) ("*United Patents* Order").

The *United Patents* 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 37 C.F.R.;

vi. The individual will be subject to the U.S.P.T.O. 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 statement of facts, and supported by the Declaration of Dennis J. Courtney, submitted herewith as Exhibit 2003, Patent Owner requests the *pro hac vice* admission of Dennis J. Courtney in this proceeding:

1. Patent Owner's lead counsel, Kenneth Weatherwax, is a registered practitioner (Reg. No. 54,528).

2. Mr. Courtney is a partner at the law firm of Lowenstein & Weatherwax LLP. Ex. 2003 ¶ 8.

3. Mr. Courtney is an experienced litigator, and the majority of his practice has consisted of patent litigation and other patent related matters such as PTAB litigations and matters in federal district and appellate courts. *Id*. ¶ 9. Representative patent litigations where Mr. Courtney has been actively involved as patent litigation counsel include:

- *RainDance Technologies, Inc. et al. v. 10X Genomics, Inc.*, 1:15-cv-00152 (D. Del.).
- *MyMail v. Yahoo!, Inc.*, 2:16-cv-01000 (E.D. Tex.).
- *Personal Genomics Taiwan, Inc. v. Pacific Biosciences of California, Inc.*, 1:19-cv-01810 (D. Del.).

- *Labrador Diagnostics LLC v. BioFire Diagnostics, LLC et al*, 1:20-cv-00348 (D. Del.).
- *Spectra Licensing Group, LLC v. Marvell Semiconductor, Inc. et al*, 3:16-cv-06093 (N.D. Cal.).
- *Finjan, Inc. v. Juniper Network, Inc.,* 3:17-cv-05659 (N.D. Cal.).
- *AbCellera Biologics Inc. et al v. Berkeley Lights, Inc.,* 4:20-cv-08624 (N.D. Cal.).
- *AbCellera Biologics Inc. v. Berkeley Lights, Inc.,* 4:20-cv-08626 (N.D. Cal.).
- *AbCellera Biologics Inc. v. Berkeley Lights, Inc.,* 4:20-cv-08627 (N.D. Cal.).
- *VLSI Technology LLC v. Intel Corporation,* 5:17-cv-05671 (N.D. Cal.).

Ex. 2003 ¶ 9.

4. Mr. Courtney's experience in post-grant patent proceedings includes drafting petitioner and patent owner responses and defending depositions. *Id*. ¶ 10. Representative matters where Mr. Courtney is or was actively involved include:

- *Samsung Electronics Co., Ltd. et al v. Radian Memory Systems LLC* (IPR2025-01266, -01289, -01321, -01350).

- *International Business Machines Corporation v. Security First Innovations, LLC* (IPR2025-01200, -01201, -01202).
- *Amazon.com, Inc. et al v. DivX, LLC* (IPR2025-01062, -01222, -01223).
- *Infineon Technologies Americas Corp. v. MOSAID Technologies Inc.* (IPR2025-01171).
- *NVIDIA Corporation v. Neural AI, LLC* (IPR2025-00606, -00608, -00609, -00610).
- *Google LLC v. Security First Innovations LLC* (IPR2024-00214, -00215).
- *MediaTek, Inc. v. MOSAID Technologies Inc.* (IPR2024-00718, -00719, -00720, -00721, -00598, -00599, -00600).
- *Berkeley Lights, Inc. v. The University of British Columbia* (IPR2021-01386, -01249, -01250).
- *AbCellera Biologics Inc. v. Berkeley Lights, Inc.* (PGR2021-00051).
- *Pacific Biosciences of California, Inc. v. Personal Genomics Taiwan, Inc.* (IPR2020-01200, -01163).
- *Juniper Networks, Inc. v. Implicit, LLC* (IPR2020-00587, -00590, -00591, -00592, -00585, -00586).

Ex. 2003 ¶ 10.

5. Mr. Courtney has an established familiarity with the subject matter at issue in this proceeding. *Id*. ¶ 14. Mr. Courtney has reviewed the Patent at issue as well as the Petition and the relevant art. *Id*.

6. Mr. Courtney is a member in good standing of the State Bar of California. *Id*. ¶¶ 1, 2.

7. Mr. Courtney has never been suspended or disbarred from practice before any court or administrative body. *Id*. ¶ 3.

8. No application of Mr. Courtney for admission to practice before any court or administrative body has ever been denied. *Id*. ¶ 4.

9. No sanctions or contempt citations have ever been imposed against Mr. Courtney by any court or administrative body. *Id*. ¶ 5.

10. Mr. Courtney 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 37 C.F.R. Ex. 2003 ¶ 6.

11. Mr. Courtney understands that he will be subject to the U.S.P.T.O. 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). Ex. 2003 ¶ 7.

12. Mr. Courtney has previously been admitted to appear, *pro hac vice*, in the following matters before the U.S.P.T.O.:

- *Pacific Biosciences of California, Inc. v. Personal Genomics Taiwan, Inc.* (IPR2020-01200, -01163).
- *Juniper Networks, Inc. v. Implicit, LLC* (IPR2020-00587, -00590, -00591, -00592, -00585, -00586).

Ex. 2003 ¶ 11.

13. Mr. Courtney is concurrently applying for *pro hac vice* admission in the following matters:

- *Amazon.com, Inc. et al v. DivX, LLC* (IPR2025-01062, -01222).

Ex. 2003 ¶ 12.

14. Other than the matters identified in ¶ 13 *supra*, Mr. Courtney has not applied to appear *pro hac vice* in any other proceedings before the U.S.P.T.O. in the last three years.

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF DENNIS J. COURTNEY.

The Board may recognize counsel *pro hac vice* 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).

The facts outlined above in the Statement of Facts, and contained in the Declaration of Dennis J. Courtney (Ex. 2003), establish that there is good cause to admit Mr. Courtney *pro hac vice* in this proceeding. Patent Owner's lead counsel is a registered practitioner. Mr. Courtney has extensive experience in patent

litigation and post-grant patent proceedings. He also has an established familiarity with the subject matter at issue, including the patents, petitions, and references.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Mr. Courtney *pro hac vice* in this proceeding.

Respectfully submitted,

/ Kenneth J. Weatherwax /
Kenneth J. Weatherwax, Reg. No. 54,528
LOWENSTEIN & WEATHERWAX LLP

Date: August 19, 2025

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

PATENT OWNER DIVX LLC'S
MOTION FOR *PRO HAC VICE* ADMISSION
OF DENNIS J. COURTNEY
UNDER 37 C.F.R. § 42.10(c)

EXHIBIT 2003

The names and address of the parties being served are as follows:

J. David Hadden	dhadden-ptab@fenwick.com
Saina S. Shamilov	sshamilov-ptab@fenwick.com
Allen Wang	allen.wang@fenwick.com
	DivX-IPR@fenwick.com

Respectfully submitted,

/ Madelyn Zirlin /

Date: August 19, 2025