

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

CAPTION HEALTH, INC.
Petitioner

v.

UNIVERSITY OF BRITISH COLUMBIA
Patent Owner

U.S. PATENT NO. 10,751,029

Inter Partes Review No.: IPR2025-01422

**PETITIONER'S MOTION FOR
ADMISSION *PRO HAC VICE* OF
MARLA R. BUTLER**

I. Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 5, authorizing the parties to file motions for *pro hac vice* admissions under 37 C.F.R. § 42.10(c), Petitioner, Caption Health, Inc. (“Petitioner” or “Caption”), requests that the Patent Trial and Appeal Board (the “Board”) admit Marla R. Butler *pro hac vice* in this proceeding, IPR2025-01422. The parties have met and conferred, and Patent Owner has confirmed that it does not oppose this motion.

II. The Facts of this Proceeding Show Good Cause for the Board to Recognize Counsel *Pro Hac Vice*.

Per 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* subject to the conditions that (1) the lead counsel be a registered practitioner; (2) the moving party shows good cause for recognition *pro hac vice*; and (3) any other conditions as imposed by the Board are met. Generally, “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 of this proceeding herein acknowledged demonstrate good cause for the Board to recognize Marla Butler *pro hac vice* in this proceeding.

Petitioner's lead counsel, Jeffrey C. Metzcar, is a registered practitioner. Backup counsel, David R. Jaglowski, is also a registered practitioner. Marla Butler

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is a highly skilled and experienced litigator and has institutional knowledge and familiarity concerning the subject matter at issue in this proceeding.

Accompanying this motion as Exhibit 1030 is the September 9, 2025, Declaration of Marla R. Butler in Support of Motion for Admission *Pro Hac Vice* ("Butler Decl."). In her declaration, Marla Butler explains:

I am a member in good standing of the Bars of Georgia, Minnesota, and New York and am admitted to practice before the U.S. District Courts for the District of Minnesota, the Eastern District of New York, the Eastern District of Texas, the Northern District of Georgia, the Middle District of Georgia and the Southern District of New York. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit, Georgia Supreme Court, and Minnesota Supreme Court.

Butler Decl. ¶ 2.

Marla Butler is also currently applying for admission to practice *pro hac vice* before the Board in other matters. Butler, Decl. ¶ 3.

Marla Butler demonstrates a deep and detailed working knowledge of the relevant subject matter through her participation in the parallel district court proceeding in which U.S. Patent No. 10,751,029 is also a patent-in-suit as well as the parallel *inter partes* review proceeding challenging U.S. Patent No. 11,129,591 which Petitioner filed as IPR2025-01066. *Id.* ¶ 10. And Marla Butler has experience with patent litigation concerning the application of software, including artificial intelligence algorithms, to medical imaging and diagnostic technology. *Id.* ¶ 11.

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In her declaration, Marla Butler further attests that she meets each requirement from “Order – Authorizing Motion for *Pro Hac Vice* Admission” (Paper 7) in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639. *See* Butler Decl. ¶¶ 1-12. For example, she attests that she has read, will comply with, and agrees to be subject to the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in 37 C.F.R. § 42 (*see id.* ¶ 8), as well as the United States Patent and Trademark Office’s Rules of Professional Conduct and disciplinary jurisdiction (as set forth in 37 C.F.R. §§ 11.101 *et seq.* and 37 C.F.R. § 11.19(a) respectively) (*see id.* ¶ 9).

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board recognize and admit Marla Butler *pro hac vice* as counsel for Petitioner. The undersigned, on behalf of Petitioner, authorizes the Office to charge \$250 to Deposit Account No. 20-0809 for the corresponding fees per 37 C.F.R. § 42.15(e) in support of this motion. Additionally, please charge any shortage of fees or credit or any overpayments to the same Deposit Account.

Dated: September 8, 2025

Respectfully Submitted,

/Jeffrey C. Metzcar/
Jeffrey C. Metzcar, Reg. No. 52,027
Counsel for Petitioner

PETITIONER'S UPDATED EXHIBIT LIST

No.	Description
Ex1001	U.S. Patent No. 10,751,029 ("the Patent")
Ex1002	Declaration of Dr. Rahul Deo
Ex1003	Dr. Deo Curriculum Vitae
Ex1004	Prosecution History File of the Patent (Application No. 16/557,261)
Ex1005	U.S. Patent Application Publication No. 2005/0251013 ("Krishnan")
Ex1006	U.S. Patent Application Publication No. 2019/0076127 ("Aase")
Ex1007	U.S. Patent No. 10,013,640 ("Angelova")
Ex1008	International Patent Application Publication No. WO2016/189313 ("Paterson")
Ex1009	Chen, "Automatic Fetal Ultrasound Standard Plane Detection Using Knowledge Transferred Recurrent Neural Networks," Medical Image Computing and Computer-Assisted Intervention – MICCAI 2015: 507-514 (November 18, 2015), https://doi.org/10.1007/978-3-319-24553-9_62 ("Chen")
Ex1010	Wu, "FUIQA: Fetal Ultrasound Image Quality Assessment With Deep Convolutional Networks," IEEE Transactions on Cybernetics, 47(5):1336-1349 (May 2017), doi: 10.1109/TCYB.2017.2671898 ("Wu")
Ex1011	First Amended Complaint, <i>University of British Columbia v. Caption Health, Inc.</i> , Case No. 5:24-cv-03200-EKL, Dkt. 46, Dec. 20, 2024.
Ex1012	Itchhaporia, "Artificial Neural Networks: Current Status in Cardiovascular Medicine," JACC 28(2): 515-521 (August 1996) ("Itchhaporia")
Ex1013	Chen, "Iterative Multi-domain Regularized Deep Learning for Anatomical Structure Detection and Segmentation from Ultrasound Images," Medical Image Computing and Computer-Assisted Intervention—MICCAI 2016: 487-495 (October 2, 2016)
Ex1014	Kong, "Recognizing End-Diastole and End-Systole Frames via Deep Temporal Regression Network," Medical Image Computing and Computer-Assisted Intervention—MICCAI 2016: 264-272 (2016), DOI:10.1007/978-3-319-46726-9_31

Ex1015	Joint Claim Construction and Prehearing Statement, <i>University of British Columbia v. Caption Health, Inc.</i> , Case No. 5:24-cv-03200-EKL, Dkt. 68, May 30, 2025.
Ex1016	Chen, “Standard plane localization in fetal ultrasound via domain transferred deep neural networks,” <i>IEEE Journal of Biomedical and Health Informatics</i> , 19(5): 1627-1636 (September 2015), DOI:10.1109/JBHI.2015.2425041 (“Chen I”)
Ex1017	Miller et al., “Review of neural network applications in medical imaging and signal processing,” <i>Medical & Biological Engineering & Computing</i> (30):449-464 (September 1992) (“Miller”)
Ex1018	U.S. Patent Application Publication No. 2017/0262982 (“Pagoulatos”)
Ex1019	Reserved
Ex1020	González et al., “Echocardiogram Image Recognition Using Neural Networks in Recent Advances on Hybrid Approaches for Designing Intelligent Systems,” <i>Studies in Computational Intelligence</i> 547:427-435 (March 2014) (“González”)
Ex1021	Donahue et al., “Long-term Recurrent Convolutional Networks for Visual Recognition and Description,” arXiv:1411.4389v1 [cs.CV] (November 2014) (“Donahue”)
Ex1022	Caruana, “Multitask Learning: A Knowledge-Based Source of Inductive Bias,” <i>Proceedings of the 10th International Conference on Machine Learning, ML-93</i> , University of Massachusetts, Amherst, 1993, pp. 41-48.
Ex1023	U.S. Patent No. 5,906,578 (“Rajan”)
Ex1024	U.S. Patent Application Publication No. 2009/0074280 (“Lu”)
Ex1025	U.S. Patent Application Publication No. 2007/0055153 (“Simopoulos”)
Ex1026	Salomon LJ et al. A score-based method for quality control of fetal images at routine second-trimester ultrasound examination. <i>Prenat Diagn.</i> 2008 Sep;28(9):822-7. doi: 10.1002/pd.2016. PMID: 18646244
Ex1027	LeCun et al., “Handwritten Digit Recognition with a Back-Propagation Network,” <i>Neural Computation</i> . 1 (4): 541–551. doi:10.1162/neco.1989.1.4.541. ISSN 0899-7667. S2CID 41312633 (“LeCun”)

Ex1028	A. Bouzerdoun, et al., "Image quality assessment using a neural network approach," Proceedings of the Fourth IEEE International Symposium on Signal Processing and Information Technology, 2004., Rome, Italy, 2004, pp. 330-333, doi: 10.1109/ISSPIT.2004.1433751 ("Bouzerdoun")
Ex1029	A. Krizhevsky, et al., "ImageNet classification with deep convolutional neural networks," Communications of the ACM, Volume 60, Issue 6, pp. 84-90 doi: 10.1145/3065386 (June 2017) ("Krizhevsky")
Ex1030	Declaration of Marla R. Butler in Support of Motion for Admission <i>Pro Hac Vice</i>
Ex1031	Declaration of William E. Manske in Support of Motion for Admission <i>Pro Hac Vice</i>

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2025, I served a true and correct copy of the following materials:

- Petitioner's Motion for Admission *Pro Hac Vice* of Marla R. Butler
- Exhibit 1030, Declaration of Marla R. Butler in Support of Motion for Admission *Pro Hac Vice*
- Petitioner's Updated Exhibit List

via electronic mail on the following attorneys of record:

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and on the email address UofBC-CaptionHealth-IPR@perkinscoie.com, as specified in Patent Owner's Mandatory Notice (Paper 5).

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