

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE HILLMAN GROUP, INC.
Petitioner,

v.

Hy-Ko Products Company LLC
Patent Owner.

Case IPR2022-00169
Patent No. 10,421,133 B2

**PATENT OWNER'S
MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10(c)**

Patent Owner Hy-Ko Products Company LLC (“Patent Owner” or “Hy-Ko”) respectfully requests that the Board admit Victoria Q. Smith as backup counsel *pro hac vice* in this proceeding. Ms. Smith is an experienced litigation attorney and has substantial knowledge in the substantive issues of the challenged claims of the Patent in this proceeding. As explained in more detail below, Ms. Smith meets the requirements of “an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding” under 37 C.F.R. §42.10(c).

I. TIME FOR FILING

Pursuant to the Order, this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. STATEMENT OF FACTS

Pursuant to the Order, the following statement of facts shows that there is good cause for the Board to recognize Ms. Smith *pro hac vice* during this proceeding.

Lead counsel for Petitioner in this proceeding, Bryan J. Jaketic, is a registered practitioner (Reg. No. 56280). Ms. Smith is an experienced litigation attorney with more than fifteen (15) years of experience representing clients. (Affidavit of Victoria Q. Smith, Exhibit 2022). Ms. Smith has been involved in numerous patent infringement cases in various forums including the United States

Court of Appeals for the Federal Circuit and various federal district courts. She has experience representing clients in all phases of litigation including discovery, *Markman* hearings, jury trials, and appeal.

Ms. Smith is a member in good standing of the California and Texas state bars. Ms. Smith has not been suspended or disbarred from practice, has not had any application for admission to practice denied, and has not had any sanctions or contempt citations imposed against her. Ms. Smith has reviewed the Patent Owner's petition for both parties' submissions and the Board's Decision instituting *Inter Partes* Review of the 10,421,133 patent ("the '133 Patent").

Ms. Smith has reviewed the Patent Owner's petition for *Inter Partes* Review of the 10,421,133 patent ("the '133 Patent"), including its exhibits and the prior art cited therein. Ms. Smith has an established familiarity with the subject matter at issue in this proceeding. She is familiar with the technology and issued claims in the '133 Patent. Ms. Smith is also familiar with the petitions and the prior art references cited in PTAB Cases Nos. IPR2022-00168, IPR2022-00174, and IPR2022-00175 as well as the associated grounds before the PTAB.

Ms. Smith 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., and she agrees to be subject to the Office 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).

III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR.

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Victoria Q. Smith (Exhibit 2022), which attests to the requirements for *pro hac vice* admission.

IV. CONCLUSION

Accordingly, Patent Owner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to admit Victoria Q. Smith as counsel *pro hac vice* and to authorize Ms. Smith to represent Patent Owner as back-up counsel in this proceeding.

Dated: March 23, 2022

/Bryan J. Jaketic/
BRYAN J. JAKETIC
Squire Patton Boggs (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114
Tel: 216-479-8500
Fax: 216-479-8780
Email: bryan.jaketic@squirepb.com

Registration No.: 56,280

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6(e), that on March 23, 2022, a copy of the foregoing “PATENT OWNER’S MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10(c)” and a copy of the “DECLARATION OF VICTORIA Q. SMITH IN SUPPORT OF MOTION FOR PRO HAC VICE ADMISSION” was served via electronic mail upon counsel of record for the Patent Owner as follows:

Scott W. Hejny	shejny@mckoolsmith.com
Kevin Schubert	kschubert@mckoolsmith.com
Christopher P. McNett	cmcnett@mckoolsmith.com
	Hillman_Hy-Ko-IPRs@mckoolsmith.com

Dated: March 23, 2022

By: /s/ Bryan J. Jaketic
Bryan J. Jaketic, Lead Counsel
Squire Patton Boggs (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114
Tel: 216-479-8500
Fax: 216-479-8780
Email: bryan.jaketic@squirepb.com

Registration No.: 56,280