

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TIDE INTERNATIONAL (USA), INC.,  
Petitioner,

v.

UPL NA INC.,  
Patent Owner.

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Case IPR2020-01113  
Patent 7,473,685

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**PETITIONER TIDE INTERNATIONAL (USA), INC.'S  
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF  
BAILEY K. BENEDICT  
UNDER 37 C.F.R. § 42.10(c)**

**EXHIBIT LIST**

1038 Declaration of Bailey K. Benedict in Support of Motion for *Pro Hac*  
*Vice* Admission

Pursuant to 37 C.F.R. § 42.10(c), the Tide International (USA), Inc. (“Petitioner”) respectfully requests that the Board recognize Bailey K. Benedict as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Ms. Benedict due to her experience in representing Tide (International) USA, Inc. in other patent-related matters and particularly due to her familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on July 23, 2020.

Patent Owner does not oppose this motion.

Where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding.” 37 CFR § 42.10(c); *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB October 15, 2013) (Paper 7) (setting forth requirements for *pro hac vice* admission). As set forth in her declaration being submitted herewith as an exhibit, Ms. Benedict is a principal at Fish & Richardson P.C. and a patent litigation attorney with significant experience advising clients regarding patent matters, including as counsel in multiple litigations since 2012 in a variety of different venues. Ms. Benedict has familiarity with the particular subject matter in this IPR proceeding.

## **Statement of Facts**

Ms. Benedict is a patent litigation attorney with more than eight years of experience representing clients in cases involving a variety of technologies, including chemicals, oil and gas, and consumer products. Ms. Benedict regularly litigates patent cases before Federal District Courts, and has litigated in the Federal Circuit as well. Through her practice in such cases, Ms. Benedict has gained substantial experience in Markman hearings, discovery, jury trials, and appeals. Petitioner provides Exhibit A (attached to the Declaration of Bailey K. Benedict), as evidence, Ms. Benedict's biography.

Ms. Benedict also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding. In particular, Ms. Benedict is serving as counsel for Petitioner in the co-pending litigation in the Central District of California. Her role in that case is specifically to utilize her education as a chemical engineer to focus on the technical issues involved in the case.

### **1. Declaration of Individual Seeking to Appear**

This Motion for *Pro Hac Vice* Admission is accompanied by an Declaration of Bailey K. Benedict as required by the Order Authorizing Motion for *Pro Hac Vice* mailed June 23, 2020.

Accordingly, Tide (International) USA, Inc. submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Bailey K. Benedict as counsel *pro hac vice* during this proceeding.

Respectfully submitted,

Date: May 3, 2021

/Dorothy P. Whelan/

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