

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TENNANT COMPANY,

Petitioner,

v.

OXYGENATOR WATER TECHNOLOGIES, INC.,

Patent Owner.

Case No. IPR2021-00625

Patent No. RE45,415

Reissue Date: March 17, 2015

Title: FLOW-THROUGH OXYGENATOR

MOTION FOR *PRO HAC VICE* ADMISSION
37 C.F.R. § 42.10

This Motion for *Pro Hac Vice* Admission is being filed by Tennant Company (“Tennant”) in the IPR proceeding captioned in the title page of this submission. Petitioner requests the admission of Adam R. Steinert *pro hac vice* in the IPR proceeding captioned above. Petitioner submits herewith a Declaration of Adam R. Steinert in Support of this Motion for *Pro Hac Vice* Admission.

Mr. Steinert is well-versed in the technical and legal issues raised in the IPR Petition and is especially qualified to serve as backup counsel for Tennant in this matter. As explained in the attached declaration, Mr. Steinert has an undergraduate degree in physics from Harvard University, and has specialized in patent litigation for the past 17 years. (*See* Steinert Decl. ¶¶ 9-12.) Mr. Steinert has experience with a wide range of electrical and chemical technologies relevant to this IPR proceeding. (*See id.* ¶¶ 11-12.)

Mr. Steinert is also particularly well versed in the subject matter and procedural history of the challenged patent, U.S. Patent No. RE45,415 (“the ’415 patent”). (*See id.* ¶ 13.) Mr. Steinert was intimately involved in the drafting of the Petitions for IPR in this proceeding and the companion proceeding challenging the ’415 patent (case no. IPR2021-00602) (*See id.*)

In the course of his representation of Tennant, Mr. Steinert has reviewed and analyzed the ’415 patent and its prosecution history in detail. (*See id.*) He has also reviewed and analyzed the referenced prior art, all of the exhibits to the IPR

Petition, and, of course, the Petition itself. (*See id.*) Mr. Steinert has a particularly high level of knowledge regarding Tennant's prior art contentions raised in this Petition and the companion IPR2021-00602 proceeding because Mr. Steinert assisted in drafting Tennant's submissions. (*See id.*)

Pursuant to 37 C.F.R. § 42.10(c) and the Board's Order in IPR2013-00639, Paper No. 7, Tennant further notes that Mr. Steinert is a member in good standing of the state bars of Minnesota and New York and is admitted to practice before multiple federal courts. (*See Steinert Decl.* ¶ 2.) No court or administrative body has ever (a) suspended or disbarred him from practice; (b) denied his application to practice; or (c) sanctioned him or cited him for contempt. (*See id.* ¶¶ 3-5.) Mr. Steinert has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials. (*See id.* ¶ 6.) He has also acknowledged that he 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). (*See id.* ¶ 7.) Mr. Steinert has previously applied to appear *pro hac vice* before the Board in nine cases, including in four cases within the last three years, IPR2015-00482, IPR2015-00491, IPR2016-01460, IPR2016-01463, IPR2017-00202, IPR2018-01389, IPR2018-01391, IPR2018-01392, and IPR2018-01394. (*See id.* ¶ 8.) The Board granted all of those applications, and Mr. Steinert argued on behalf

of the petitioner at the oral hearing in all five cases that proceeded to oral argument. (*See id.*)

For the foregoing reasons, Petitioner Tennant respectfully requests that this Motion for *Pro Hac Vice* Admission be granted, and that Adam R. Steinert be admitted to appear *pro hac vice* in the IPR proceeding captioned above.

Respectfully submitted,

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R. Scott Johnson
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Dated: March 12, 2021

**Declaration of Adam R. Steinert in Support of
Motion for *Pro Hac Vice* Admission**

I, Adam R. Steinert, declare as follows:

1. I am a shareholder with Fredrikson & Byron, P.A., and am one of the lawyers representing Petitioner Tennant Company (“Tennant”) in connection with the IPR Proceeding captioned on the title page of this submission and the related IPR proceeding, IPR2021-00602.

2. I am a member in good standing of the following Bars: State of Minnesota, State of New York, U.S. Court of Appeals for the Federal Circuit, U.S. Court of Appeals for the Eighth Circuit, U.S. District Court for the District of Minnesota, U.S. District Court for the Northern District of Illinois, and U.S. District Courts for the Southern and Eastern Districts of New York.

3. I have never received a suspension or disbarment from practice before any court or administrative body.

4. I have never been denied any application or admission to practice before any court or administrative body.

5. I have never been sanctioned by or received contempt citations from any court or administrative body.

6. I have 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.

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