

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRUSOE ENERGY SYSTEMS, LLC
Petitioner

v.

UPSTREAM DATA INC.
Patent Owner

Case PGR2023-00039
Patent No. 11,574,372

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

Patent Owner respectfully requests that the Board recognize Mr. Yakov “Jake” Zolotorev as counsel *pro hac vice* during this proceeding.

1. Time For Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition in accordance with the “Order -- Authorizing Motion for Pro Hac Vice Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

2. Statement of Facts

As required by the Order Authorizing Motion for *Pro Hac Vice*, the following statement of facts shows that there is good cause for the Board to recognize Mr. Zolotorev *pro hac vice*.

Mr. Zolotorev has a Juris Doctorate degree in law. Mr. Zolotorev is a technically trained, experienced patent litigation attorney. He has experience in numerous patent infringement litigation matters in the federal court system. He has experience in trials and *Markman* hearings.

U.S. Patent No. 11,574,372 is currently asserted against Petitioner, Crusoe Energy Systems, LLC, in a co-pending litigation, *Upstream Data Inc. v. Crusoe Energy Systems LLC*, Case No. 1:23-cv-01252, filed May 18, 2023 in the District of Colorado.

Mr. Zolotorev has represented Upstream Data Inc. for approximately one year and is counsel for Upstream Data Inc. in the co-pending litigation.

He has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, Mr. Zolotorev is a principal attorney responsible for the representation of Upstream Data. While the co-pending litigation is at an early stage, Mr. Zolotorev is involved in infringement case development, and expects to be involved in invalidity and claim construction analysis, all of which are related to the petition requesting post-grant review of U.S. Patent No. 11,574,372. Patent Owner has expended significant financial resources in the co-pending litigation with Mr. Zolotorev as counsel, and wishes to continue using Mr. Zolotorev as counsel in this proceeding.

Further, counsel for Petitioner does not oppose Mr. Zolotorev appearing *pro hac vice* during this proceeding.

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Zolotorev as counsel *pro hac vice* during this proceeding.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Jake Zolotorev (Exhibit 2009) as required by Order Authorizing Motion for *Pro Hac Vice* in Case IPR2013-00639.

November 14, 2023

Respectfully Submitted,

By: /James M. Heintz, 41,828/
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**CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.105**

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b) and agreement by the attorneys listed below and the undersigned, the undersigned certifies that on November 14, 2023, a complete and entire copy of this Motion for Pro Hac Vice Admission, together with all supporting documents, were served on Petitioner electronically by emailing a copy of the same to the following attorney for the Petitioner:

John Phillips
Jia Zhu
PGR54598-0001PS1@fr.com

By: */James M. Heintz, 41,828/*
James M. Heintz, Reg. No. 41,828