

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACTIVISION BLIZZARD, INC.

Petitioner

v.

MILESTONE ENTERTAINMENT, LLC

Patent Owner

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Case No. IPR2025-00711  
U.S. Patent No. 11,335,164

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**PATENT OWNER MILESTONE ENTERTAINMENT LLC'S  
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF  
MATTHEW D. POWERS UNDER 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Milestone Entertainment, LLC (“Milestone” or “Patent Owner”), respectfully requests that the Board recognize Matthew D. Powers as counsel *pro hac vice* in this proceeding. Patent Owner seeks the counsel of Mr. Powers due to his familiarity with the '164 patent and prior art identified in the Petition in this proceeding based on his representation of Milestone before the U.S. District Court for the Central District of California, as well as his experience in representing clients in patent cases in major patent venues, including U.S. District Courts, the U.S. Court of Appeals for the Federal Circuit, the International Trade Commission, and the International Chamber of Commerce, and would like Mr. Powers to participate in the trial of this *inter partes* review proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 7) that was mailed on April 17, 2025 (“Notice”).

Petitioners have confirmed that they will not oppose this motion.

## **I. GOVERNING RULES AND PRECEDENT**

37 C.F.R. § 42.10(c) provides:

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the 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 showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Board has specified that motions under 37 C.F.R. § 42.10(c) should be filed “in accordance with the ‘Order -- Authorizing Motion *for Pro Hac Vice Admission*’ in Case IPR2013-00639, Paper 7.” Notice at 2. That Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding” and that it must “[b]e accompanied by an affidavit or declaration of the individual seeking to appear” that attests to the facts specified in the Order. *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013) (“*Unified Patents Order*”).

The statement of facts that follows shows there is good cause for the Board to recognize Mr. Powers as counsel *pro hac vice* during this proceeding. This Motion for *Pro Hac Vice Admission* is accompanied by the required Declaration of Mr. Powers that includes the facts specified in the *Unified Patents Order*.

## II. STATEMENT OF FACTS

Patent Owners’ lead counsel, John C. Pierce, is a registered practitioner (Reg. No. 79,938).

Mr. Powers is an experienced patent litigation attorney with approximately forty-one years of experience representing clients in patent cases involving numerous technologies. Mr. Powers has experience as a patent litigator before the U.S. District Courts, the International Trade Commission, and the United States Court of Appeals for the Federal Circuit. Through his practice in such cases, Mr. Powers has gained substantial experience in patent litigation including jury trials, bench trials, fact discovery, expert discovery, *Markman* hearings, trials before administrative law judges, and appeals before the Federal Circuit. Patent Owner provides Exhibit A of Mr. Powers's accompanying declaration as evidence.

Mr. Powers is a member in good standing of the State Bar of California. Mr. Powers has never been suspended or disbarred from practice before any court or administrative body and has never had an application for admission to practice before any court or administrative body denied. Also, no sanction or contempt citation has been imposed against Mr. Powers by any court or administrative body. Mr. Powers has read and agrees to 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 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). Mr. Powers's previous *pro hac vice* motions in Proceeding Nos. IPR2021-00133,

IPR2022-00370, IPR2022-00371, IPR2022-00489, IPR2022-00490 IPR2020-00715, IPR2020-00712, IPR2020-00680, IPR2020-00679, IPR2024-00810, and IPR2024-00856, IPR2025-00296, and IPR2025-00297 filed in the last three years have either been granted or, in the case of IPR2021-00133, IPR2022-00489, IPR2022-00490, IPR2022-00370, and IPR2022-00371, not decided. In IPR2021-00133, the parties filed a joint motion to terminate proceedings about three and a half weeks after the *pro hac vice* motion was filed. In IPR2022-00489, IPR2022-00490, IPR2022-00370, and IPR2022-00371, the proceedings were never instituted and instead were terminated following a joint motion to terminate by the parties. Mr. Powers is now concurrently applying to appear *pro hac vice* in Proceeding Nos. IPR2025-00708, IPR2025-00709, IPR2025-00710, IPR2025-00712, and IPR2025-00713.

Mr. Powers also has an established familiarity with the subject matter at issue in this inter partes review proceeding, including the substantive and technical issues involved. Mr. Powers is trial counsel for Milestone Entertainment, LLC, the Patent Owner in this proceeding, in the U.S. District Court for the Central District of California, Case No. 2:24-cv-04056-AB (SSCx), which involves the same patent (U.S. Patent No. 11,335,164) and the same references identified in the Petition in this proceeding as the grounds for challenge. Mr. Powers has reviewed and

considered the Petition and supporting exhibits, the art presented in the Petition, and U.S. Patent No. 11,335,164. Should the present motion be granted, Patent Owner intends for Mr. Powers to participate in the trial of this IPR proceeding.

### III. CONCLUSION

Accordingly, Patent Owner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Matthew D. Powers as counsel *pro hac vice* during this proceeding.

Dated: July 16, 2025

Respectfully submitted.

*/s/ John C. Pierce*

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*Counsel for Patent Owner  
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**CERTIFICATION OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))**

The undersigned hereby certifies that on July 16, 2025, a copy of PATENT OWNER MILESTONE ENTERTAINMENT LLC'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF MATTHEW D. POWERS UNDER 37 C.F.R. § 42.10(c) was served via Electronic Mail to the following:

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IPR2025-00711 (U.S. Patent No. 11,335,164)  
Patent Owner's Motion for *Pro Hac Vice*

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