

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION

Petitioner

v.

AMERICAN VEHICULAR SCIENCES LLC

Patent Owner

Case IPR2013-00417

Patent 8,036,788

**MOTION FOR *PRO HAC VICE* ADMISSION
OF THOMAS R. MAKIN PURSUANT TO 37 C.F.R. § 42.10(c)**

Pursuant to instructions from the Trial Paralegal assigned to this trial, Petitioner respectfully requests the *pro hac vice* admission of Thomas R. Makin as backup counsel for Petitioner in the current proceeding.

1. Time for Filing

Pursuant to instructions Petitioner received on July 17, 2013 from the Trial Paralegal assigned to this trial, this motion is filed within five business days.

2. Content of Motion

a. Statement of Facts

Pursuant to the Representative Order, the following statement of facts shows good cause for the Board to recognize Mr. Makin *pro hac vice* during the current proceeding.

Mr. Makin is a litigation attorney experienced in patent cases, and is admitted to practice law in New York, and in the United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, and the United States Court of Appeals for the Federal Circuit.

Mr. Makin has an established familiarity with the subject matter at issue in the proceeding, having represented Petitioner as a defendant in the related proceeding *American Vehicular Sciences LLC v. Toyota Motor Corp. et al.*, No. 6:12-CV-405 (E.D. Tex.). In this related proceeding, Patent Owner has asserted U.S. Patent No. 8,036,788 against Petitioner. Mr. Makin's experience, representing Petitioner in the

related proceeding over the same patent against the same Patent Owner, provides him with an established familiarity with the subject matter at issue in the current proceeding.

Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Makin *pro hac vice* during the current proceeding.

b. Declaration

Pursuant to the Representative Order, a declaration of Thomas R. Makin is submitted as Exhibit 1009 to this motion.

Dated: July 18, 2013



A. Antony Pfeffer
Reg. No. 43,857

A. Antony Pfeffer
Lead Counsel for Petitioner
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212-425-7200
Fax: 212-425-5288
Email: apfeffer@kenyon.com

Thomas R. Makin (*pro hac vice* requested)
Back-Up Counsel for Petitioner
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212-425-7200
Fax: 212-425-5288
Email: tmakin@kenyon.com

CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing *Motion for Pro Hac Vice Admission of Thomas R. Makin Pursuant to 37 C.F.R. § 42.10(c)* was served on July 18, 2013, via Express Mail upon the following:

Brian Roffe, Esq.
8170 McCormick Boulevard, Suite 223
Skokie, IL 60076-2914

Farshad Farjami
26522 La Alameda Ave., Suite 360
Mission Viejo, CA 92691

Courtesy copy to:

Amir Alavi
AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING, P.C.
1221 McKinney Street, Suite 3460
Houston, TX 77010

Dated: July 18, 2013

/A. Antony Pfeffer/
A. Antony Pfeffer (Reg. No. 43,857)
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212-425-7200
Fax: 212-425-5288