

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

BUTAMAX™ ADVANCED BIOFUELS LLC

Petitioner

v.

GEVO, INC.

Patent Owner

---

Case No. IPR2013-00539

Patent No. 8,273,565

---

**MOTION FOR BRETT LUND TO APPEAR *PRO HAC VICE* ON BEHALF  
OF PATENT OWNER GEVO, INC.**

Mail Stop **PATENT BOARD**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**I. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Pursuant to the Board's "Order – Conduct of the Proceeding 37 C.F.R. § 42.5," entered October 10, 2014 (Paper 25), authorizing Gevo, Inc. (Gevo) to file a motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Gevo hereby moves for an Order allowing Brett Lund, Chief Licensing Officer and General Counsel for Gevo, to appear *pro hac vice* on behalf of Gevo in the present *inter partes* review.

Present counsel has conferred with the representatives for Butamax and the present *pro hac vice* motion will not be opposed.

**II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION**

- Gevo Exhibit 2002 – Declaration of Gevo, Inc.'s General Counsel Brett Lund in Support of *Pro Hac Vice* Motion.

**III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED**

As set forth below in the Statement of Material Facts, Gevo has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Mr. Lund *pro hac vice*.

In particular, Mr. Lund has 14 years of experience as a practicing attorney, which includes significant involvement with complex litigation matters involving intellectual property. Further, Mr. Lund has an established familiarity with the subject matter at issue in this proceeding. Accordingly, allowing Mr. Lund to appear *pro hac vice* on behalf of Gevo is appropriate in this proceeding.

#### IV. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides that “[t]he 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.”

2. Lead counsel in this *inter partes* review proceeding is Erich E. Veitenheimer, Ph.D. Dr. Veitenheimer is registered to practice before the United States Patent and Trademark Office and holds Registration No. 40,420.

3. As set forth in the attached Gevo Exhibit 2002, Declaration of Gevo, Inc.’s General Counsel Brett Lund in Support of *Pro Hac Vice* Motion (“Lund Declaration”), Mr. Lund has significant experience with litigation involving intellectual property and has an established familiarity with the subject matter at issue in this proceeding. *See* Lund Declaration, at ¶¶ 4-8.

4. Further, Mr. Lund is familiar with U.S. Patent No. 8,273,565, and with the legal subject matter, technical subject matter, and prior art discussed in

Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 8,273,565, which forms the basis for this proceeding. *See* Lund Declaration, at ¶ 8.

5. Mr. Lund has 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. *See* Lund Declaration, at ¶ 13. Mr. Lund also agrees to be subject to the United States Patent and Trademark Office 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). *Id.*, at ¶ 14.

6. Finally, Mr. Lund has attested to the remaining elements of paragraph 2(b) of the representative "Order – Authorizing Motion for *Pro Hac Vice* Admission 37 C.F.R. § 42.10" in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB October 15, 2013; Paper 7). Lund Declaration, at ¶¶ 9-12 and 15. *See* Board's "Order – Conduct of the Proceeding 37 C.F.R. § 42.5," in the present proceeding, entered October 10, 2014 (Paper 25) (specifying on page 3 the requirement for the *pro hac vice* motion).

## V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Gevo hereby moves for an Order allowing Brett Lund, of Gevo, Inc., to appear *pro hac vice* on behalf of Gevo in the instant proceedings. As aforementioned, the present *pro hac vice* motion will not be opposed by Butamax.


October 13, 2014

COOLEY LLP  
ATTN: Patent Group  
1299 Pennsylvania Avenue, N.W  
Suite 700  
Washington, DC 20004-2400

Tel: (202) 842-7800  
Fax: (202) 842-7899

Respectfully submitted,  
**COOLEY LLP**

By:

  
**Erich E. Veitenheimer, Ph.D.**  
Reg. No. 40,420

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.