

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR NORTH AMERICA, INC., SUBARU OF AMERICA, INC.,  
AMERICAN HONDA MOTOR CO., INC., NISSAN NORTH AMERICA, INC.,  
FORD MOTOR COMPANY, JAGUAR LAND ROVER NORTH AMERICA,  
LLC, AND VOLVO CARS OF NORTH AMERICA, LLC

Petitioner

v.

CRUISE CONTROL TECHNOLOGIES LLC  
Patent Owner

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Case IPR2014-00281  
U.S. Patent 6,324,463

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**CO-PETITIONER JAGUAR LAND ROVER NORTH AMERICA, LLC'S  
MOTION FOR *PRO HAC VICE* ADMISSION OF CHI CHEUNG UNDER 37  
C.F.R. § 42.10(c)**

**FILED VIA PRPS**

## I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 10), co-Petitioner Jaguar Land Rover North America, LLC (“Co-Petitioner JLR”) respectfully requests the *pro hac vice* admission of attorney Chi Cheung, Esq. in this proceeding. Co-Petitioner JLR has conferred with counsel for Cruise Control Technologies LLC (the “Patent Owner”), who does not oppose this motion.

## II. LEGAL STANDARD

Pursuant to 37 C.F.R. § 42.10(c):

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 Notice of Filing Date Accorded to Petition and Time for Filing Patent

Owner Preliminary Response (Paper No. 10) further instructs:

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed 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.”

(*Id.* at 2.) The above-referenced “Order -- Authorizing Motion for *Pro Hac Vice* Admission” further provides:

A motion for *pro hac vice* admission must:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:
  - i. Membership in good standing of the Bar of at least one State or the District of Columbia;
  - ii. No suspensions or disbarments from practice before any

- court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
  - iv. No sanctions or contempt citations imposed by any court or administrative body;
  - v. The individual seeking to appear 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.;
  - vi. The individual 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);
  - vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
  - viii. Familiarity with the subject matter at issue in the proceeding.

(IPR2013-00639, Paper 7, at 3.) As set forth below, and in the accompanying declaration of Chi Cheung ("Cheung Decl."), each of these

requirements is satisfied here.

### **III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE CHI CHEUNG *PRO HAC VICE* IN THIS PROCEEDING**

As an initial matter, Mr. Cheung is a member in good standing of the State Bar of New York (Admitted July 7, 2009, Registration No. 4740205) and is also admitted to practice before the U.S. District Courts for the Southern District of New York, Eastern District of New York, Eastern District of Michigan and the U.S. Court of Appeals for the Federal Circuit. (Cheung Decl., ¶ 2.) Mr. Cheung has never been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶ 3.) No application of Mr. Cheung for admission to practice before any court or administrative body has ever been denied. (*Id.*) No court or administrative body has imposed sanctions or contempt citations against Mr. Cheung. (*Id.*) Mr. Cheung 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 the C.F.R. (*Id.* at ¶ 4.) Mr. Cheung acknowledges and agrees 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). (*Id.*)

Petitioner's lead counsel in this proceeding, Eric A. Buresh, is a registered practitioner (Reg. No. 50,394).

As set forth below (and in his accompanying declaration), Mr. Cheung is

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