

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROSE NORTH AMERICA, INC.
and
BROSE FAHRZEUGTEILE GMBH & CO. KG, HALLSTADT,
Petitioner,

v.

UUSI, LLC,
Patent Owner.

Case IPR2014-00416
Patent 8,217,612

Case IPR2014-00417
Patent 7,579,802¹

Before GLENN J. PERRY, HYUN J. JUNG, and GEORGE R. HOSKINS,
Administrative Patent Judges.

PERRY, *Administrative Patent Judge.*

¹ This decision addresses issues common to both cases; therefore, we issue a single order to be entered in each case. The parties are not authorized to use this style heading.

DECISION

Petitioner's Motion for *Pro Hac Vice* Admission of Luke L. Dauchot
37 C.F.R. § 42.10

Petitioner filed a motion² in each of the captioned cases for the *pro hac vice* admission of Mr. Luke L. Dauchot. The motions are supported by the affidavit of Mr. Dauchot.³ The motions are unopposed. For the reasons provided below, Petitioner's motions are granted.

As set forth in 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* "upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." 37 C.F.R. § 42.10(c). In these cases, both lead and back-up counsel for Petitioner are registered practitioners. In authorizing motions for *pro hac vice* admission, the Board also requires a statement of facts showing there is good cause to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in this proceeding.

In its motion, Petitioner asserts that there is good cause for Mr. Dauchot's *pro hac vice* admission because: (1) Mr. Dauchot is an experienced litigation attorney who has litigated patent cases in federal district courts and has been appointed as counsel *pro hac vice* in at least four other IPR proceedings in the USPTO; (2) Mr. Dauchot has an established

² IPR2014-00416, Paper 15; IPR2014-00417, Paper 17.

³ IPR2014-00416, Exhibit 1030; IPR2014-00417, Exhibit 1042.

IPR2014-00416 and IPR2014-00417
Patent 8,217,612 and Patent 7,579,802

familiarity with the relevant technology and the patents at issue; and (3) Mr. Dauchot is lead counsel in related cases involving the patents and pending in the Eastern District of Michigan.

In support of the motions, Mr. Dauchot attests to these facts in his affidavit with sufficient explanations, attests to being a member in good standing of the State Bars of California, Ohio and Illinois, and numerous federal courts, and otherwise attests to the requirements for *pro hac vice* admission. *See* Dauchot Affidavit.

The record shows that Mr. Dauchot has sufficient legal and technical qualifications to represent Petitioner in these proceedings and that good cause exists for Mr. Dauchot's admission. Mr. Dauchot will be permitted to appear *pro hac vice* in these proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the foregoing reasons, it is

ORDERED that Petitioner's motions for *pro hac vice* admission of Mr. Dauchot for these proceedings, to represent Petitioner as back-up counsel, is granted;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in these proceedings; and

FURTHER ORDERED that Mr. Dauchot is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the C.F.R., and to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq.

IPR2014-00416 and IPR2014-00417
Patent 8,217,612 and Patent 7,579,802

FOR PETITIONER:

Craig D. Leavell
KIRKLAND & ELLIS LLP
craig.leavell@kirkland.com

Alyse Wu
KIRKLAND & ELLIS LLP
alyse.wu@kirkland.com

FOR PATENT OWNER:

Monte L. Falcoff
HARNESS, DICKEY & PIERCE, P.L.C.
mlfalcoff@hdp.com

Michael R. Nye
HARNESS, DICKEY & PIERCE, P.L.C.
mnye@hdp.com