

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC
Petitioner,

v.

AMERICAN VEHICULAR SCIENCES LLC
Patent Owner.

Case IPR2014-00645
Patent 6,738,697

Before JAMESON LEE, BARBARA A. PARVIS, and GREGG I. ANDERSON,
Administrative Patent Judges.

PARVIS, *Administrative Patent Judge.*

DECISION

Petitioner's Motion for *Pro Hac Vice* Admission of Jonathan R. DeFosse
37 C.F.R. § 42.10

On June 3, 2014, Petitioner filed a motion for *pro hac vice* admission of Mr. Jonathan R. DeFosse (Paper 6). Patent Owner did not file an opposition.

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered

practitioner. 37 C.F.R. § 42.10(c). If 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.” *Id.*

In this proceeding, lead counsel for Petitioner is Scott W. Doyle, a registered practitioner. Petitioner’s motion relies on a declaration of Jonathan R. DeFosse (Ex. 1010). Mr. DeFosse declares that he is a member in good standing of the Bar of Virginia and the Bar of the District of Columbia. Ex. 1010 ¶ 1. Mr. DeFosse also declares that he has never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body, and that he has never had an application for admission to practice denied by any court or administrative body. Ex. 1010 ¶¶ 2-4. Mr. DeFosse further declares that he is familiar with the subject matter at issue in this proceeding based on his work as counsel for Petitioner in the related district court litigation between the parties involving Patent 6,738,697: *American Vehicular Sciences LLC v. Mercedes-Benz U.S. Int’l., Inc., et al.*, No. 6:13-cv-00310 (E.D. Tex.). Ex. 1010 ¶ 8.

Mr. DeFosse further states (1) that he has read and will comply with the Board’s Rules of Practice for Trials as set forth in Part 42 of Title 37, Code of Federal Regulations, as well as the Office Patent Trial Practice Guide, and (2) that he 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). Ex. 1010 ¶¶ 5-6.

Based on the foregoing, we determine that Petitioner has established good cause for admission, *pro hac vice*, of Mr. Jonathan R. DeFosse.

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It is

ORDERED that Petitioner's motion for *pro hac vice* admission of Jonathan R. DeFosse for these proceedings is *granted*;

FURTHER ORDERED that Mr. DeFosse is authorized to represent Petitioner only as back-up counsel; and

FURTHER ORDERED that Mr. DeFosse is subject to the USPTO's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

FOR PETITIONER:

Scott W. Doyle
Jonathan R. DeFosse
SHEARMAN & STERLING LLP
Scott.doyle@shearman.com
jonathan.defosse@shearman.com

FOR PATENT OWNER:

Scott P. McBride
Thomas J. Wimbiscus
Stephanie F. Samz
MCANDREWS HELD & MALLOY, LTD.
smcbride@mcandrews-ip.com
twimbiscus@mcandrews-ip.com
ssamz@mcandrews-ip.com