

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 No. IPR2014-00645

Patent No. 6,738,697

**PETITIONER'S MANDATORY NOTICES –
ADDITION OF BACKUP COUNSEL
37 C.F.R. § 42.8**

Petitioner Mercedes-Benz USA, LLC (“Petitioner”) hereby provides notice that it has added Jonathan R. DeFosse as back-up counsel in this proceeding. Pursuant to 37 C.F.R. § 42.8(a)(3), Petitioner’s updated mandatory notices are below, reflecting the addition of Mr. DeFosse.

MANDATORY NOTICES (37 C.F.R. § 42.8)

A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))

Petitioner, Mercedes-Benz USA LLC, and Mercedes-Benz U.S. International, Inc. (“MBUSI”) are the real-parties-in-interest.

B. Related Matters (37 C.F.R. § 42.8(b)(2))

The ’697 patent has been asserted by AVS in the following litigations in the U.S. District Court for the Eastern District of Texas: *American Vehicular Sciences LLC v. Mercedes-Benz U.S. Intl., Inc.*, No. 6:13-cv-00310, filed April 3, 2013 (the “310 Litigation”); *American Vehicular Sciences LLC v. American Honda Motor Co., Inc. et al.*, No. 6:13-CV- 226, filed March 8, 2013; *American Vehicular Sciences LLC v. Kia Motors Corp.*, No. 6:13-CV-148, filed February 13, 2013; *American Vehicular Sciences LLC v. Hyundai Motor Co. et al.*, No. 6:12-CV-776, filed October 15, 2012; *American Vehicular Sciences LLC v. BMW Group. A/K/A BMW AG et al.*, No. 6:12-CV-412, filed June 25, 2012; and *American Vehicular Sciences LLC v. Toyota Motor Corp. et al.*, No. 6:12-CV-405, filed June 25, 2012.

Petitioner and MBUSI were named as defendants in the 310 Litigation and

were served with a Summons and Complaint in that action on April 17, 2013. American Honda Motor Co, Inc. filed a petition for *inter partes* review of the '697 patent on April 15, 2014 in IPR2014-00634 (the "634 Proceeding"). The 634 proceeding is pending. Additionally, the '697 patent was the subject of two prior petitions for *inter partes* review filed by Toyota Motor Corporation ("Toyota") in cases IPR2013-00412 and IPR2013-00413 (the "412 Proceeding" and "413 Proceeding," respectively). The Patent Trial and Appeal Board (the "Board") instituted *inter partes* review in the 412 and 413 Proceedings on January 13, 2014. (See Exs. 1007, 1008.) On March 28, 2014, the Board dismissed both Proceedings in response to a settlement between AVS and Toyota concerning the '697 patent. Additionally, pending U.S. Patent App. No. 11/930,590 and numerous other patents and applications claim the benefit of the filing date of the '697 patent.

C. Counsel & Service Information (37 C.F.R. §§ 42.8(b)(3)-(4))

Lead Counsel: Scott W. Doyle (Reg. No. 39176)

Back-up Counsel: Jonathan R. DeFosse (admitted *pro hac vice*)

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Dated: June 20, 2014

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing **PETITIONER'S MANDATORY NOTICES – ADDITION OF BACK-UP COUNSEL** was served on June 20, 2014, via electronic mail upon the following:

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