

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC and
MERCEDES-BENZ U.S. INTERNATIONAL, INC.,
Petitioner,

v.

VELOCITY PATENT LLC,
Patent Owner.

IPR Case No.: 2014-01247
Patent No. 5,954,781

**MOTION FOR *PRO HAC VICE* ADMISSION OF
RAYMOND A. KURZ
UNDER 37 C.F.R. § 42.10**

**MOTION FOR *PRO HAC VICE* ADMISSION OF
RAYMOND A. KURZ
UNDER 37 C.F.R. § 42.10**

Mercedes-Benz USA, LLC and Mercedes-Benz U.S. International, Inc. (collectively, “**Petitioner**”) respectfully request that the Board recognize Mr. Raymond A. Kurz as counsel *pro hac vice* during this proceeding.

1. Time for Filing

Per Paper No. 3, this Motion is being filed no sooner than twenty-one (21) days after service of the Petition, as required by the Order Authorizing Motion for *Pro Hac Vice* Admission entered in Case IPR2013-00639, Paper 7, October 15, 2013 (the “**PHV Order**”).

2. Statement of Facts

As required by the PHV Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Kurz *pro hac vice*.

Mr. Kurz is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the United States. He has experience in *Markman* hearings, jury and bench trials, and Federal Circuit oral arguments in patent litigation matters. Mr. Kurz’s biography is attached hereto as Exhibit A.

U.S. Patent No. 5,954,781 is currently asserted against Petitioner in a co-pending litigation, *Velocity Patent LLC v. Mercedes-Benz USA, LLC, et al.*, No. 1:13-cv-08413 (N.D. Ill. 2013) (the “**Pending Litigation**”).

Mr. Kurz is co-lead counsel for Petitioner in the Pending Litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding. In the Pending Litigation, Mr. Kurz has been involved in, *inter alia*, invalidity contentions, non-infringement contentions, and claim construction, as well as analyzing prior art, which activities are relied in on with the Petition requesting *inter partes* review of certain claims of U.S. Patent No. 5,954,781. Petitioner has expended significant financial resources in the Pending Litigation with Mr. Kurz as counsel, and Petitioner wishes to continue using Mr. Kurz as counsel in this proceeding.

Further, counsel for Patent Owner does not oppose Mr. Kurz appearing *pro hac vice* during this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Kurz as counsel *pro hac vice* during this proceeding

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion is accompanied by an Affidavit of Mr. Raymond A. Kurz, as required by the PHV Order.

Dated: November 21, 2014

Respectfully submitted,

/Celine J. Crowson/

Celine Jimenez Crowson (Reg. No. 40,357)

HOGAN LOVELLS US LLP

555 13th Street, N.W.

Washington, D.C. 20004

Telephone: 202.637.5600

One of the attorneys for Petitioner

**AFFIDAVIT OF MR. RAYMOND A. KURZ
IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Raymond A Kurz, being duly sworn and upon oath, hereby attest to the following:

- 1) I am a member in good standing of the Bar of the District of Columbia, as well as the following Federal Courts:
 - a) U.S. Court of Appeals for the Second Circuit 4/14/1999,
 - b) U.S. Court of Appeals for the Third Circuit 2/4/1991,
 - c) U.S. Court of Appeals for the Ninth Circuit 1/19/1988,
 - d) U.S. Court of Appeals for the Federal Circuit 3/6/1986,
 - e) U.S. District Court for the District of California 9/26/1990,
 - f) U.S. District Court for the District of Colorado 1/4/1982,
 - g) U.S. District Court for the District of Columbia 9/26/1990, and
 - h) U.S. Supreme Court 03/07/1989;
- 2) I have not been suspended or disbarred from practice before any court or administrative body;
- 3) I have never had an application for admission to practice before any court or administrative body denied;
- 4) No sanction or contempt citation has been imposed against me by any court or administrative body;

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.