

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NISSAN NORTH AMERICA, INC.,

Petitioner,

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,  
Patent Owner.

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Case IPR2015-01508 (Patent 6,542,076 B1) <sup>1</sup>  
Case IPR2015-01509 (Patent 6,549,130 B1)  
Case IPR2015-01585 (Patent 5,917,405)  
Case IPR2015-01645 (Patent 7,397,363 C1)

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Before HOWARD B. BLANKENSHIP, STACEY G. WHITE, JASON J. CHUNG, and BETH Z. SHAW, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

DECISION

Denying Patent Owner's Motion for *Pro Hac Vice* Admission of Steven Ritcheson  
37 C.F.R. § 42.10

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<sup>1</sup> This order addresses a similar issue in the all four cases. Therefore, we exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style of heading in subsequent papers.

IPR2015-01508 (Patent 6,542,076 B1)  
IPR2015-01585 (Patent 5,917,405)

IPR2015-01509 (Patent 6,549,130 B1)  
IPR2015-01645 (Patent 7,397,363 C1)

Patent Owner filed a Motion for *Pro Hac Vice* Admission of Steven W. Ritcheson in each of the above-identified proceedings on February 23, 2016.<sup>2</sup> IPR2015-01508, Paper 15; IPR2015-01509, Paper 14; IPR2015-01585, Paper 16; IPR2015-01645, Paper 14. The Motion, however, was not accompanied by an affidavit or declaration of Mr. Ritcheson, as required by the Notice authorizing motions for *pro hac vice* admission. See Paper 6<sup>3</sup>, 2 (citing Order – Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639, Paper 7 (“A motion for *pro hac vice* admission must . . . [b]e accompanied by an affidavit or declaration of the individual seeking to appear . . . .”). The Motion merely contains a general statement that Mr. Ritcheson is an experienced litigation attorney and is co-counsel in the related district court proceeding. Paper 14, 2. Such a statement does not satisfy the requirement for an affidavit or declaration. See *Estee Lauder Inc. v. L’Oreal, S.A.*, 129 F.3d 588, 595 (Fed. Cir. 1997) (Arguments of counsel cannot take the place of evidence lacking in the record).

For the foregoing reasons, it is

ORDERED that Patent Owner’s Motions for Admission *Pro Hac Vice* of Mr. Ritcheson are denied without prejudice as to refileing.

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<sup>2</sup> We note that Patent Owner filed the same motion in each case and used a case caption that listed both matters. The parties are not authorized to use that style of case caption. The parties should continue a separate caption for each proceeding.

<sup>3</sup> For ease of reference, unless otherwise indicated, we will refer to the papers filed in IPR2015-01508.

IPR2015-01508 (Patent 6,542,076 B1)  
IPR2015-01585 (Patent 5,917,405)

IPR2015-01509 (Patent 6,549,130 B1)  
IPR2015-01645 (Patent 7,397,363 C1)

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