

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COSTCO WHOLESALE CORP.,  
Petitioner,

v.

ROBERT BOSCH LLC,  
Patent Owner.

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Cases<sup>1</sup>

IPR2016-00034 (Patent 6,973,698 B1)  
IPR2016-00036 (Patent 6,944,905 B2)  
IPR2016-00038 (Patent 6,292,974 B1)  
IPR2016-00039 (Patent 7,228,588 B2)  
IPR2016-00040 (Patent 7,484,264 B2)  
IPR2016-00041 (Patent 8,099,823 B2)

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Before PHILLIP J. KAUFFMAN, WILLIAM V. SAINDON,  
and BARRY L. GROSSMAN, *Administrative Patent Judges*.

GROSSMAN, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion for *Pro Hac Vice*  
Admission of James W. Dabney  
*37 C.F.R. § 42.10*

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<sup>1</sup> This order addresses issues raised in all six cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2016-00034 (Patent 6,973,698 B1)  
IPR2016-00036 (Patent 6,944,905 B2)  
IPR2016-00038 (Patent 6,292,974 B1)  
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As authorized by the Notice of Filing Date in each case, Costco Wholesale Corporation (“Petitioner”) filed an unopposed motion for *pro hac vice* admission of James W. Dabney.<sup>2</sup> The Declaration of Mr. Dabney supports the motion.<sup>3</sup> Richard M Koehl, a registered practitioner, will remain as Lead Counsel for Petitioner. The Motion and Declaration establish that Mr. Dabney is an experienced litigating attorney, has familiarity with the subject matter at issue in this proceeding, and otherwise satisfies all requirements for *pro hac vice* admission to a proceeding before the Board.<sup>4</sup> Accordingly, Petitioner’s motion is *granted*. 37 C.F.R. § 42.10(c).

It is ORDERED that Petitioner’s motion for *pro hac vice* admission of Mr. Dabney is granted; Mr. Dabney is authorized to represent Petitioner Costco Wholesale Corporation as back-up counsel in each proceeding to which this Order applies;

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<sup>2</sup> Paper 24 in IPR2016-00034. A similar motion was filed in each of the other cases to which this Order applies.

<sup>3</sup> Exhibit 1014 in IPR2016-00034. A similar Declaration was filed in each of the other cases to which this Order applies.

<sup>4</sup> The Motion refers to “Petitioner Costco Wholesale Corporation,” but is signed by Counsel as “Attorney for Petitioner TC Heartland LLC.” Paper 24, p. 3. Mr. Dabney’s Declaration refers to “Petitioner TC Heartland LLC.” Ex. 1014 ¶ 2. The sole Petitioner in these proceedings, and the only identified real party-in-interest, is Costco Wholesale Corporation. *E.g.*, Paper 1, p. 1 in IPR2016-00034. We interpret the reference to “TC Heartland” to be a harmless scrivener’s error.

IPR2016-00034 (Patent 6,973,698 B1)  
IPR2016-00036 (Patent 6,944,905 B2)  
IPR2016-00038 (Patent 6,292,974 B1)  
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IPR2016-00040 (Patent 7,484,264 B2)  
IPR2016-00041 (Patent 8,099,823 B2)

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

FURTHER ORDERED that Mr. Dabney 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.*

**For PETITIONER:**

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