

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COSTCO WHOLESALE CORPORATION,
Petitioner,

v.

ROBERT BOSCH LLC,
Patent Owner.

Case IPR2016-00040
Patent 7,484,264

**PETITIONER'S MOTION FOR ADMISSION
PRO HAC VICE OF JAMES W. DABNEY**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Costco Wholesale Corporation respectfully requests that the Board admit James W. Dabney *pro hac vice* as co-counsel for the Petitioner in this proceeding. The following facts are supported by the Declaration of James W. Dabney (Ex. 1029), submitted herewith:

1. Mr. Dabney is a member in good standing of the Bars of the States of New York and New Jersey and has extensive experience with patent law. Ex. 1029 ¶¶ 3-4; *see also* Ex. 1029 ¶¶ 6-8.
2. Mr. Dabney is lead trial counsel for the Petitioner in *Robert Bosch LLC v. Alberee Products, Inc., et al.*, No. 12-574-LPS (D. Del.) (the “Delaware Action”), in which the Respondent is asserting against Petitioner the same patent which is the subject of this proceeding. Ex. 1029 ¶ 5.
3. As a result of his representation of Petitioner in the Delaware Action, Mr. Dabney has deep familiarity with the factual and legal issues that are raised in this proceeding. Ex. 1029 ¶ 5.
4. Mr. Dabney has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R. and agrees to be subject to the United States Patent and Trademark Rules of Professional Conduct set forth

IPR 2016-00040

PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF JAMES W. DABNEY

in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37
C.F.R. § 11.19(a). Ex. 1029 ¶¶ 10-11.

For the foregoing reasons, good cause exists to admit Mr. Dabney *pro hac vice* in this *inter partes* review proceeding. It would be a hardship on Petitioner if Mr. Dabney were not able to act as co-counsel and participate fully in the conduct of this proceeding.

WHEREFORE, Petitioner respectfully submits that this Motion for Admission *Pro Hac Vice* of James W. Dabney be granted.

Dated: July 1, 2016

Respectfully submitted,

/Stefanie M. Lopatkin/

Stefanie M. Lopatkin

Registration No. 74,312

Hughes Hubbard & Reed LLP

One Battery Park Plaza

New York, NY 10004

Stefanie.lopatkin@hugheshubbard.com

(212) 837-6393

Attorney for Petitioner

TC Heartland LLC

IPR 2016-00040

PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF JAMES W. DABNEY

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2016, the foregoing Petitioner's Motion for Admission *Pro Hac Vice* of James W. Dabney and Exhibit 1029 thereto, were served in their entirety by email on the attorneys of record for Patent Owner:

- Patrick R. Colsher (patrick.colsher@shearman.com)
- Mark A. Hannemann (mark.hannemann@shearman.com)

/Stefanie M. Lopatkin/
Stefanie M. Lopatkin
Registration No. 74,312