

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R.J. REYNOLDS VAPOR COMPANY,
Petitioner,

v.

FONTEM HOLDINGS 1 B.V.
Patent Owner.

Case IPR2016-01268
Patent 8,365,742

**PATENT OWNER FONTEM HOLDINGS 1 B.V.'S
MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10(c)**

Patent Owner Fontem Holdings 1 B.V. (“Fontem”) respectfully requests that the Board recognize Mr. Nathan R. Kassebaum as counsel *pro hac vice* in this proceeding. Fontem is also (under a separate motion) requesting the same in a related proceeding (IPR2016-01692) on a related patent, U.S. Patent No. 9,326,548. Fontem seeks the counsel of Mr. Kassebaum due to his experience in representing Fontem in other patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding.

1. Time for Filing

This Motion for *Pro Hac Vice* Admission is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on July 7, 2016 and is being filed no sooner than twenty one (21) days after service of the petition.

2. Statement of Facts

The following statement of facts shows that there is good cause for the Board to recognize Mr. Kassebaum *pro hac vice*.

Mr. Kassebaum is a patent litigation attorney with more than three years of experience representing clients in patent disputes. He has more than two years of experience representing Patent Owner in patent cases involving electronic cigarettes.

U.S. Patent No. 8,365,742 was asserted by Patent Owner in *Fontem Ventures, B.V., et al. v. NJOY, Inc., et al.*, filed in the Central District of California on March 5, 2014, and consolidated cases. Mr. Kassebaum was admitted *pro hac vice* in the consolidated *Fontem v. NJOY* matter on May 19, 2015.

Patent Owner has invested significant financial resources in the consolidated *Fontem v. NJOY* matter involving the '742 Patent in which Mr. Kassebaum served as counsel.

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

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Nathan Kassebaum, as required.

Accordingly, Fontem submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Mr. Kassebaum as counsel *pro hac vice* in this proceeding.

Respectfully submitted,

Date: August 25, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that service on Petitioner was made as follows, in accordance with 37 CFR 42.6(e):

Date of service: August 25, 2017

Manner of service: 1. Electronic submission through the USPTO Patent Trial and Appeal Board End-to-End System
2. Electronic mail

Document(s) served: **PATENT OWNER FONTEM HOLDINGS 1 B.V.'S MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10(c)** and supporting materials (Affidavit of Mr. Nathan Kassebaum)

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