

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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REACTIVE SURFACES LTD., LLP

Petitioner

v.

TOYOTA MOTOR CORPORATION

Patent Owner

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CASE: IPR2016-01914

Patent No. 8,394,618 B2

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PETITIONER'S UNOPPOSED MOTION FOR ADMISSION PRO HAC VICE  
OF  
MARK A.J. FASSOLD AND JORGE MARES

David O. Simmons, Reg. No. 43,124  
IVC Patent Agency  
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Jonathan D. Hurt, Reg. No. 44,790  
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Dated: November 8, 2016

Pursuant to 37 C.F.R. § 42.10(c) and the Board's authorization provided in Paper No. 3, Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, Petitioner requests that the board grant this Unopposed Motion to Admit Mark Fassold and Jorge Mares *pro hac vice* in this proceeding.

The Board may recognize counsel *pro hac vice* during a proceeding on a showing of good cause. “[W]here lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigation attorney and has an established familiarity with the subject matter at the issue in the proceeding.” 37 C.F.R. § 42.10(c).

Here, both lead and back-up counsel, David O. Simmons and Jonathan D. Hurt, are registered practitioners. Mr. Fassold has over seventeen years of litigation experience, with a focus on commercial litigation, including patent litigation, the majority of his career. Moreover, over the span of the last year, Mr. Fassold has become deeply familiar with both petitioner's technology and petitioner's intellectual property, including patents, patent applications, and the patent in dispute in this *Inter Partes* Review proceeding as well as the reasons for its invalidity. Accompanying this motion is the Declaration of Mark Fassold, where Mr. Fassold attests to his experience and familiarity. *See generally* Fassold Decl. (Ex. 1014). Specifically, Mr. Fassold attests that:

- He has been a practicing litigation attorney for over seventeen years. His practice has been primarily commercial litigation, including intellectual property litigation;
- He has been admitted and licensed to practice as an Attorney and Counselor-at-Law in the United States Court of International Trade;
- He is a member in good standing of the State Bar of Texas;
- He is a participating member of the team that is preparing the petitioners' IPR petition in this case and several other IPR petitions which challenge patents owned by the same patent owner that cover the same or similar technology and same or similar claimed subject matter as Patent No. 8,394,618 B2

*Id.* ¶¶ 1-3, 10.

Additionally, Mr. Mares is a practicing litigation attorney with Watts Guerra LP. Mr. Mares primarily focuses on commercial litigation, including intellectual property litigation. Over the span of the last year, Mr. Mares has become familiar with Petitioner's technology, intellectual property, and the patent in dispute in this *Inter Partes* Review, including the reasons for its invalidity. Accompanying this motion is the Declaration of Jorge Mares, where Mr. Mares attests to his experience and familiarity with the subject matter of this *Inter Partes* Review. *See generally* Mares Decl. (Ex. 1015). Specifically, Mr. Mares attests that:

- He is a litigation attorney and is admitted to practice in all state courts in the state of Texas, as well as the United States District Court for the Eastern, Western, and Southern District of Texas;
- His practice is primarily commercial litigation, including intellectual property;
- He is familiar with the subject matter in this proceeding; and
- He is a participating member of the team that is preparing the petitioners' *Inter Partes* Review petition in this case and several other *Inter Partes* Review petitions which challenge patents owned by the same patent owner that cover the same or similar technology and same or similar claimed subject matter as Patent No. 8,394,618 B2.

Accordingly, these facts establish good cause to recognize Mr. Fassold and Mr. Mares in this proceeding. Thus, Petitioner requests that the Board admit Mr. Fassold and Mr. Mares *pro hac vice* in this proceeding.

Respectfully submitted,

/s/David O. Simmons, Reg. No. 43,124

David O. Simmons

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*Counsel for Petitioner*

*Reactive Surfaces Ltd., LLP*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and true correct copy of the foregoing PETITIONER'S UNOPPOSED MOTION FOR ADMISSION PRO HAC VICE OF MARK A.J. FASSOLD AND JORGE MARES was served on November 8, 2016 by email on the following counsel of record for Patent Owner:

Joshua A. Lorentz ([joshua.lorentz@dinsmore.com](mailto:joshua.lorentz@dinsmore.com))

Richard H. Schabowsky ([richard.schabowsky@dinsmore.com](mailto:richard.schabowsky@dinsmore.com))

Dated: November 8, 2016

Respectfully submitted,

*/s/David O. Simmons*

**David O. Simmons**

Reg. No. 43,124

*Counsel for Petitioner*

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