

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC,
Petitioner

v.

DAEDALUS PRIME LLC
Patent Owner

Case IPR2023-01333
U.S. Patent No. 10,049,080

**DECLARATION OF JIAXING (KYLE) XU
IN SUPPORT OF *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10(c)**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Mercedes EX1037
Mercedes v. Daedalus
IPR2023-01333

I, Jiaxing (Kyle) Xu, declare as follows:

1. I am a Senior Associate at the law firm of Hogan Lovells US LLP. I represent and counsel Petitioner Mercedes-Benz USA, LLC (“Petitioner”), in connection with the above-captioned *inter partes* review proceeding.

2. I have been a member in good standing of the bars of California, New York, and U.S. District Court for the Northern District of California.

3. I have not been suspended or disbarred from practice before any court or administrative body.

4. I have never had an application for admission to practice before any court or administrative body denied.

5. I have never had a sanction or contempt citation imposed against me by any court or administrative body.

6. I have read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 42 of 37 C.F.R.

7. I understand that I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction pursuant to 37 C.F.R. § 11.19(a).

8. I practice patent law, including patent litigation before courts and agencies, including U.S. District Courts and the International Trade Commission,

and have done so throughout my career as an attorney since 2019.

9. As a part of my patent litigation experience, I have significant knowledge and experience with litigating invalidity defenses, preparing witnesses for depositions and materials for taking depositions, and handling evidentiary issues.

10. I have worked on proceedings before the Board dating back to 2021. This work experience includes: assisting with the preparation of petitions and other submissions and preparing witnesses for deposition. I have not applied to appear *pro hac vice* in any other proceedings before the Board in the last three (3) years.

11. To date, I have worked with the named lead and back-up counsel to develop and analyze the legal and factual issues raised in the Petition. I have been significantly involved in the preparation of the Petition and supporting evidence, particularly through my work in the parallel litigation involving this patent before the United States International Trade Commission. Through this involvement, I have gained in-depth familiarity with the arguments and evidence supporting the Petition, including through the review and analysis of documents such as the challenged patent, the prosecution history of the challenged patent, technical literature, the expert declaration, and other sources of information.

12. I will work in coordination and association with the designated lead counsel, Celine Jimenez Crowson, for the duration of my involvement in this

proceeding.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this proceeding.

/s/ Jiaxing (Kyle) Xu
Jiaxing (Kyle) Xu, Esq.

Date: April 29, 2024

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