

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VANTAGE SPECIALTY CHEMICALS, INC.

Petitioner,

v.

CARGILL, INCORPORATED,

Patent Owner

Case IPR2023-00589
U.S. Patent 11,248,245

**PATENT OWNERS UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF AHMED J. DAVIS UNDER 37 C.F.R. § 42.10(c)**

EXHIBIT LIST

Exhibit Number	Description
2001	Declaration of Dr. Tom Schultz, Ph.D.
2002	G. Knothe, <i>Structure indices in FA chemistry. How relevant is the iodine value?</i> JAOCS, 79 (9) 847-854 (2002).
2003	Claim Construction Memorandum Opinion (Dkt No. 63) filed in <i>Cargill, Incorporated v. Vantage Specialty Chemicals, Inc.</i> , No. 1:22-cv-00979-RGA-SRF (D. Del. June 5, 2023)
2004	Excerpt of United States District Courts, Federal Court Management Statistics Report for the 12-month period ending March 31, 2023, <i>available at</i> https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0331.2023.pdf
2005	Initial Invalidity Contentions (Dkt No. 27) filed in <i>Cargill, Incorporated v. Vantage Specialty Chemicals, Inc.</i> , No. 1:22-cv-00979-RGA-SRF (D. Del. Jan. 19, 2023)
2006	Markman Claim Construction Order (Dkt No. 67) filed in <i>Cargill, Incorporated v. Vantage Specialty Chemicals, Inc.</i> , No. 1:22-cv-00979-RGA-SRF (D. Del. June 15, 2023)
2007	Declaration of Ahmed J. Davis

Pursuant to 37 C.F.R. § 42.10(c), Cargill, Incorporated (“Patent Owner”), respectfully requests that the Board recognize Ahmed J. Davis as counsel *pro hac vice* in this proceeding. Patent Owner seeks the counsel of Ahmed J. Davis due to his experience in representing Patent Owner in other patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on March 27, 2023.

I. Statement of Facts

Ahmed J. Davis is a patent litigation attorney with more than 20 years of experience representing clients in cases involving medical devices, computer software, chemical formulations, and electrical products. Mr. Davis regularly litigates patent cases before the United States Court of Appeals for the Federal Circuit, the United States Court of Federal Claims, numerous federal district courts, and the International Trade Commission. Through his practice in such cases, Mr. Davis has gained substantial experience in jury trials, bench trials, discovery, *Markman* hearings, and appeals. Mr. Davis began his legal career as a law clerk for the Honorable Leonie M. Brinkema at the United States District Court for the Eastern District of Virginia. Mr. Davis subsequently served as a

law clerk for Honorable Paul R. Michel, at the United States Court of Appeals for the Federal Circuit. Mr. Davis's biography is attached as Appendix A.

Mr. Davis also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding. For instance, Mr. Davis serves as lead trial counsel for Patent Owner in the litigation that involves the '245 patent, and, as a result, has gained familiarity with the patent and prior art references at issue. Patent Owner has invested significant financial resources in each of these proceedings, and Mr. Davis will be taking a leading role with respect to the patent that is the subject of the present proceeding. Moreover, through his representation in the litigation, Patent Owner has developed a particular relationship with Mr. Davis such that Patent Owner desires to continue the relationship with Mr. Davis for the purpose of this proceeding.

II. Affidavit of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Ahmed J. Davis. Accordingly, Patent Owner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Ahmed J. Davis as counsel *pro hac vice* during this proceeding.

Respectfully submitted,

Dated: June 27, 2023

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Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.8(b), the undersigned certifies that on June 27, 2023, a complete and entire copy of this Patent Owners Motion for *Pro Hac Vice* and Accompanying Exhibit were provided via email to the Petitioner by serving the correspondence email addresses of record as follows:

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APPENDIX A



Ahmed J. Davis

Principal

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Overview

Ahmed Davis, an intellectual property trial lawyer with 20 years' experience, handles complex patent litigation and provides practical, forthright counsel to clients in highly technical industries, such as chemistry, biotechnology, medical devices, and mechanical and electrical engineering.

Ahmed is the firm's go-to attorney for litigation matters in the "rocket docket" that is the U.S. District Court for the Eastern District of Virginia, where he has extensive experience and exceptional knowledge of that court system—and where he has earned a respected reputation as a skillful advocate.

He excels at explaining complex technologies to jurors. He has been lead trial counsel in numerous other U.S. district courts, the U.S. International Trade Commission, and the U.S. Court of Federal Claims. He also has significant experience before the U.S. Court of Appeals for the Federal Circuit, arguing more IP cases before the court than any other African American private practitioner.

While Ahmed is experienced at bench trials, his forte is jury trials—and his value in the courtroom extends beyond his eloquence and commanding presence as a litigator. Clients praise him for being a great team leader who leverages each trial team member's individual skills to build the strongest case possible.

Ahmed's real-world experiences and awareness provide invaluable insight into the psyche of increasingly diverse juries. He is known for his effective, clear, and understandable communication in front of diverse, layperson juries, as well as with court staff and judges. While his chemistry background enables him to "speak the language" of science and technology, Ahmed never lets technology override the human element in a case.

His talents have been repeatedly recognized by the legal industry and his peers. He has been named an "IP Star" multiple times by Managing Intellectual Property and Savoy magazine named him a "Most Influential Black Attorney of 2015." He was also featured as a "Minority Power Broker" by Law360, and he was named one of Profiles in Diversity Journal's "Black Leaders Worth Watching" for 2020.

Speaking Truth to Power

As the national chair of the firm's Diversity & Inclusion initiative and the firm's first Black full-equity principal, Ahmed is a vocal and influential advocate behind Fish's longstanding commitment to building a more diverse workforce through recruiting and developing the careers of diverse attorneys.

He is also a prolific speaker and lecturer on issues relevant to diversity and the patent bar. He is a long-time instructor for the National Institute of Trial Advocacy. Ahmed also has been a faculty member, guest lecturer and presenter at Howard University Law School, Catholic University Columbus School of Law, Temple Law School, Fordham Law School, and numerous seminars and conferences.

Experience

Asghari-Kamrani v. United Services Automobile Association (E.D. Va.) — Co-lead trial counsel for defendant USAA in case related to centralized authentication computer systems.

Commonwealth Scientific Industrial & Research Organisation et al. v. BASF Plant Science LP and Cargill, Incorporated (E.D. Va.) — Lead trial counsel for defendant Cargill Incorporated in case relating to transgenic canola containing increased omega-3 fatty acids.

Kaufman v. Microsoft Corp. (S.D.N.Y.) — Lead trial counsel for defendant Microsoft in case relating to relational database management systems.

In re Certain InkJet Ink Cartridges (U.S.I.T.C.) — Lead trial counsel for complainants Hewlett-Packard Co. and Hewlett-Packard Development Co. in investigation related to thermal inkjet print cartridges.

In re Certain UV Curable Coatings for Optical Fibers (U.S.I.T.C.) — Co-lead trial counsel for respondent Momentive UV Coatings in investigation related to UV-cured optical fiber coatings.

Paice LLC v. Hyundai Motor Corp. et al. (D. Md.) — Lead trial counsel for plaintiff Paice LLC in case related to control systems and methods for hybrid-electric vehicles.

Plastipak Packaging, Inc. v. Niagara Bottling, LLC (E.D. Va.) — Counsel for plaintiff Plastipak in 11-patent case related to lightweighting plastic water bottles.

Previvo Genetics, Inc. v. Pagidas (D.R.I.) — Lead counsel for declaratory judgment plaintiff Previvo in inventorship dispute related to systems and techniques for uterine lavage.

Signal IP, Inc. v. American Honda Motor Co., et al. (C.D. Cal.) — Lead counsel for defendant Honda in case relating to automotive radar and object range-sensing technology.

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Testimonials

“Making important contributions to Fish’s success in life sciences litigations—as well as in medical devices and electrical cases—is Ahmed Davis... He is integral to broader firm life, too, being a member of the management committee and diversity leader.” —*2019 IAM Patent 1000*

Recognitions & awards

Best Lawyers in America

Best Lawyers

2022-2023

IAM Patent 1000

IAM

2021-2022

IP Star

Managing IP

2016-2022

Black Leaders Worth Watching

Profiles in Diversity Journal (PDJ)

2020

Professional associations

Fellow, Litigation Counsel of America

Board of Visitors, National Judicial College

Pro bono activities

Working pro bono alongside the ACLU, Fish represented a class of 12 peaceful protestors who were injured by police officers during the protests following the murder of George Floyd. The plaintiffs alleged that the Minneapolis Police Department used unnecessary and excessive force to suppress their First Amendment rights to assemble peacefully and speak out against injustice. The matter resulted in a settlement that included a \$600,000 payment to the plaintiffs and numerous reforms for the MPD. These reforms prohibit the city from arresting, threatening to arrest, or using physical force against lawful protestors, limit the use of chemical agents to disperse protestors, and mandate the use of body cameras by police officers responding to protests.

Services

Litigation

Industries

Energy & Chemicals

Manufacturing

Medical Devices

Electrical & Computer Technology

Admissions

Virginia

U.S. District Court for the Eastern District of Virginia

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Federal Circuit

District of Columbia

U.S. District Court for the District of Maryland

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Western District of Wisconsin

U.S. Court for Federal Claims

Education

J.D., Georgetown University Law Center (1999)

M.S., Chemistry, Emory University (1996)

B.S. *cum laude*, Chemistry, Morehouse College (1994)
