Filed on behalf of: InductEV, Inc.

Entered: May 1, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INDUCTEV, INC.,
Petitioner,

v.

WITRICITY CORPORATION,
Patent Owner.

Case IPR2023-01208
Patent 8,912,687

PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF BLAKE R. DAVIS UNDER 37 C.F.R. § 42.10(c)

I. RELIEF REQUESTED

Under 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5), Petitioner InductEV, Inc. ("Petitioner") respectfully requests the *pro hac vice* admission of attorney Blake R. Davis, Esq. in this proceeding. Petitioner has conferred with counsel for WiTricity Corporation ("Patent Owner"), and Patent Owner does not oppose this motion.

II. LEGAL STANDARD

Under 37 C.F.R. § 42.10(c):

> The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 5) further instructs:

> The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac* vice admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the "Order -- Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under "Representative Orders, Decisions, and Notices."

(*Id.* at 2.) The above referenced "Order - - Authorizing Motion for *Pro Hac Vice* Admission" further provides:

> A motion for *pro hac vice* admission must:
>
> a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
>
> b. Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:
>
> i. Membership in good standing of the Bar of at least one State or the District of Columbia;
>
> ii. No suspensions or disbarments from practice before any court or administrative body;
>
> iii. No application for admission to practice before any court or administrative body ever denied;

iv. No sanctions or contempt citations imposed by any court or administrative body;

v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;

vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last (3) years; and

viii. Familiarity with the subject matter at issue in the proceeding.

(IPR2013-00639, Paper No. 7 at 3.) As set forth below, and in the accompanying Declaration of Blake R. Davis (Ex. 1034, "Davis Decl."), each of these requirements is satisfied here.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE BLAKE R. DAVIS ESQ. *PRO HAC VICE* IN THIS PROCEEDING

Mr. Davis is a member in good standing of the California Bar (Bar No. 294360) and admitted to practice before the United States Court of Appeals for the Federal Circuit, United States District Court for the Central District of California, the United States District Court for the Northern District of California, and the

United States District Court for the Eastern District of Texas. (Davis Decl. ¶ 2.) Mr. Davis has never been suspended or disbarred from practice before any court or administrative body. (*Id.* ¶ 3.) No application of Mr. Davis for admission to practice before any court or administrative body has ever been denied. (*Id.*) Nor has any court or administrative body imposed sanctions or contempt citations against Mr. Davis. (*Id.*) Mr. Davis has read, fully understands, 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 Title 37 of the C.F.R. (*Id.* ¶ 4.) Mr. Davis acknowledges and agrees that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.*)

Petitioner's lead counsel in this proceeding, David Zucker, is a registered practitioner (Reg. No. 74,095). Moreover, as set forth below (and in his accompanying declaration), Mr. Davis is both an experienced and technically-trained litigation attorney with an established familiarity with the subject matter at issue in this proceeding.

Mr. Davis received a Bachelor of Science degree in Electrical Engineering and Economics from the University of Colorado at Boulder in 2009. (*Id.* ¶ 5.) Mr. Davis earned a law degree from Columbia Law School in 2013. (*Id.*) Mr. Davis joined Latham & Watkins LLP ("Latham") as an associate in 2016. (*Id.*)

Mr. Davis is currently a Partner of Latham's intellectual property group, with a focus on intellectual property and patent litigation. (*Id.* ¶ 6.) Mr. Davis has practiced in this group for over seven years. (*Id.*)

Mr. Davis also has an established familiarity with the subject matter at issue in this proceeding. Mr. Davis has been actively involved in the related district court litigation between the Petitioner and Patent Owner, *WiTricity Corp., v. InductEV, Inc*., C.A. No. 2:23-cv-01099-CMR pending in the District of Delaware. (*Id.* ¶ 7.) U.S. Patent No. 8,912,687 ("'687 patent"), which is at issue in this proceeding, is one of the patents asserted by the Patent Owner in the district court litigation. (*Id.* ¶ 8.) Mr. Davis has been actively involved in Petitioner's factual investigation and development of its claim construction, invalidity, and non-infringement positions regarding the claims of the '687 patent at issue here. (*Id.*)

Mr. Davis has been actively involved in analyzing and assisting with the Petition for *Inter Partes* Review submitted in this proceeding. (*Id.* at ¶ 9.)

He is concurrently applying to appear *pro hac vice* in the following proceeding before the USPTO: Case No. IPR2023-01182. (*Id.* at ¶ 10.) He has applied and been admitted to appear *pro hac vice* in the following proceedings before the USPTO in the last three years: IPR2021-01165, IPR2021-01166, IPR2021-01167, IPR2021-01116, and IPR2021-01127. (*Id.*)

In view of Mr. Davis's extensive knowledge of the subject matter at issue in

this proceeding, and in view of the interrelatedness of this proceeding and the related district court litigation, Petitioner has a substantial need for Mr. Davis' *pro hac vice* admission and his involvement in the continued prosecution of this proceeding. In addition, admission of Mr. Davis *pro hac vice* will enable Petitioner's to avoid unnecessary expense and duplication of work between this proceeding and the district court litigation. *See* 77 Fed. Reg. 48,612, 48,661 (Aug. 14, 2012) (Office's comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel litigation).

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that Mr. Davis be admitted *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: May 1, 2024

By: / David A. Zucker /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 1st day of May, 2024, a true and correct copy of the foregoing **Petitioner's Unopposed Motion for *Pro Hac Vice* Admission of Blake R. Davis Under 37 C.F.R. § 42.10(c)** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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