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

PETITIONER MERCEDES-BENZ USA, LLC'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF DAMON M. LEWIS 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

TABLE OF CONTENTS

Page

I. INTRODUCTION 1
II. STATEMENT OF FACTS 2
III. GOOD CAUSE EXISTS FOR THIS MOTION 3
IV. DECLARATION OF INDIVIDUALS SEEKING TO APPEAR 4
V. CONCLUSION 5

UPDATED LIST OF EXHIBITS[1]

Ex-1001	U.S. Patent No. 10,049,080 to George et al. ("the '080 Patent")
Ex-1002	Declaration of Dr. Trevor Mudge submitted in IPR2023-00567
Ex-1003	Curriculum Vitae of Dr. Trevor Mudge
Ex-1004	Prosecution History of the '080 Patent (Application No. 15/431,527)
Ex-1005	U.S. Patent Pub. No. 2011/0213950 to Mathieson et al. ("Mathieson")
Ex-1006	U.S. Patent Pub. No. 2009/0309243 to Carmack et al. ("Carmack")
Ex-1007	U.S. Patent Pub. No. 2008/0288748 to Sutardja et al. ("Sutardja '748")
Ex-1008	U.S. Patent Pub. No. 2007/0083785 to Sutardja ("Sutardja '785")
Ex-1009	U.S. Patent Pub. No. 2011/0145615 to Rychlik et al. ("Rychlik")
Ex-1010	Prosecution History of U.S. Patent No. 9,569,278 ("the '278 Patent")
Ex-1011	INTENTIONALLY LEFT BLANK
Ex-1012	INTENTIONALLY LEFT BLANK
Ex-1013	INTENTIONALLY LEFT BLANK
Ex-1014	INTENTIONALLY LEFT BLANK

[1] Four-digit pin citations that begin with 0 are to the branded numbers added by Mercedes in the bottom right corner of the exhibits. All other pin citations are to original page, column, paragraph, or line numbers.

Ex-1015	INTENTIONALLY LEFT BLANK
Ex-1016	INTENTIONALLY LEFT BLANK
Ex-1017	INTENTIONALLY LEFT BLANK
Ex-1018	INTENTIONALLY LEFT BLANK
Ex-1019	INTENTIONALLY LEFT BLANK
Ex-1020	Claim Mapping Table
Ex-1021	INTENTIONALLY LEFT BLANK
Ex-1022	U.S. Patent Pub. No. 2006/0095807 to Grochowski ("Grochowski")
Ex-1023	U.S. Patent Pub. No. 2012/0317568 to Aasheim ("Aasheim")
Ex-1024	Jeffrey C. Mogul et al., *Operating Systems and Asymmetric Single-ISA CMPs: The Potential for Saving Energy*, Hewlett-Packard Development Company, L.P. (2007)
Ex-1025	Juan Carlos Saez et al., *Operating System Support for Mitigating Software Scalability Bottlenecks on Asymmetric Multicore Processors*, ACM 978-1-4503-004-5/10/05 (2010)
Ex-1026	U.S. Patent No. 7,093,147 to Farkas et al. ("Farkas")
Ex-1027	Charles Lefurgy et al., *Energy Management for Commercial Servers*, Computer 39 (Dec. 2003).
Ex-1028	Yushi Shen et al., *Enabling the New Era of Cloud Computing: Data Security, Transfer, and Management* (Information Science Reference 2014).
Ex-1029	Stefanos Kaxiras and Margaret Martonosi, *Computer Architecture Techniques for Power-Efficiency*, in Synthesis Lectures on Computer Architecture #4 (Morgan & Claypool 2008).
Ex-1030	Vasanth Venkatachalam and Michael Franz, *Power Reduction Techniques For Microprocessor Systems*, 37 ACM Computing Surveys 195 (2005).

Ex-1031	Euiseong Seo et al., *Energy Efficient Scheduling of Real-Time Tasks on Multicore Processors*, 19 IEEE Transactions on Parallel and Distributed Systems 1540 (Nov. 2008).
Ex-1032	Rakesh Kumar et al., *Single-ISA Heterogeneous Multi-Core Architectures: The Potential for Processor Power Reduction*, Proceedings of the 36th International Symposium on Microarchitecture (MICRO-36 2003), IEEE Computer Society (2003).
Ex-1033	U.S. Patent No. 8,615,647 to Hum et al. ("Hum")
Ex-1034	Declaration of Dr. Robert Horst
Ex-1035	*Curriculum Vitae* of Dr. Robert Horst
Ex-1036	Declaration of Damon M. Lewis in Support of Motion for *Pro Hac Vice* Admission
Ex-1037	Declaration of Jiaxing (Kyle) Xu in Support of Motion for *Pro Hac Vice* Admission

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition (Paper 7), Petitioner Mercedes-Benz USA, LLC. ("Petitioner"), respectfully requests that the Board recognize Damon M. Lewis as counsel *pro hac vice* in this proceeding. Petitioner is not seeking to replace either its current lead or back-up lead counsel with Mr. Lewis. Petitioner has conferred with Patent Owner's counsel, who stated Patent Owner does not oppose this motion.

Where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* "upon a showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding." 37 C.F.R. § 42.10(c); *Unified Patents, Inc. v. Parallel Iron, LLC,* Case IPR2013-00639 (P.T.A.B. Oct. 15, 2013) (Paper 7) (setting forth requirements for *pro hac vice* admission).

As set forth in the accompanying Declaration (EX1036), Damon M. Lewis is a Partner at Hogan Lovells US LLP and an experienced patent litigation attorney with significant experience representing clients in patent matters before the courts. Based on the facts detailed below and in his declaration, Mr. Lewis has significant familiarity with the particular subject matter in this IPR proceeding.

This unopposed motion is authorized by the Notice of Filing Date Accorded

that was mailed on August 29, 2023. See Paper 4, 2.

II. STATEMENT OF FACTS

Mr. Lewis has focused his practice on patent law since 2006 and has extensive experience representing clients in patent matters before courts and agencies, including U.S. District Courts, the International Trade Commission, and the U.S. Court of Appeals for the Federal Circuit. EX1036, ¶8.

Mr. Lewis has significant knowledge and experience in patent litigation, including through litigating invalidity defenses, defending and deposing witnesses, handling evidentiary issues, and arguing issues of claim construction. *Id.*, ¶9.

Mr. Lewis has previously been involved in proceedings before the Board, and has worked on such matters since 2018. *Id.*, ¶10. This experience includes: assisting with the preparation of petitions and other submissions and preparing witnesses for deposition. *Id.* He has not applied to appear *pro hac vice* in any other proceedings before the Board in the last three (3) years. *Id.*

Based on his involvement to date, Mr. Lewis has developed an established familiarity with the subject matter of this proceeding, including a close familiarity with the arguments and evidence in the petition. *Id.*, ¶11. He has gained this familiarity through review and analysis of the challenged patent, the prosecution history of the challenged patent, technical literature, the expert declaration, and other

sources of information. *Id.*

Petitioner is concurrently filing a motion for pro hac vice admission of Mr. Lewis in related proceeding IPR2023-01335.

Mr. Lewis is a member in good standing of the bars of Virginia, the District of Columbia, U.S. Court of Appeals for the Federal Circuit, U.S. District Court for the Eastern District of Virginia, and the U.S. District Court for the Eastern District of Michigan. *Id.*, ¶2.

Mr. Lewis has never been suspended or disbarred from practice before any court or administrative body (*id.*, ¶3), has never been denied admission to practice before any court or administrative body (*id.*, ¶4), and has never received sanctions or contempt citations against him from any court or administrative body (*id.*, ¶5).

Mr. Lewis certifies that he has 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. EX1036, ¶6. Mr. Lewis certifies that he understands that he will be subject to the Rules of Professional Conduct under 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). EX1036, ¶7.

Mr. Lewis certifies that in this proceeding he will work in coordination with lead counsel Celine Jimenez Crowson, who is a registered practitioner. *Id.*, ¶12.

III. GOOD CAUSE EXISTS FOR THIS MOTION

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. Based on the facts above, as supported by Mr. Lewis's declaration (EX1036), there is good cause to admit Mr. Lewis *pro hac vice* in this proceeding given his extensive experience and qualifications (EX1036 ¶¶2, 8-10) and established familiarity with the subject matter at issue in this proceeding (EX1036 ¶11).

In addition, Mr. Lewis has significant knowledge and experience in patent litigation, including defending and deposing witnesses, handling evidentiary issues, and arguing issues of claim construction. *Id.*, ¶8-10. These skills are readily applicable to post-grant proceedings and favor admitting Mr. Lewis to represent Petitioner.

Petitioner will maintain a registered practitioner as lead counsel for at least as long as Mr. Lewis is admitted *pro hac vice*. Mr. Lewis certifies that he will coordinate and associate with the designated lead counsel for Petitioner, Celine Jimenez Crowson, who is a registered practitioner, for the duration of his involvement. EX1036 ¶12.

IV. DECLARATION OF INDIVIDUALS SEEKING TO APPEAR

This motion is accompanied by the declarations required by *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (P.T.A.B. Oct. 15, 2013) (Paper

7).

V. CONCLUSION

Petitioner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Damon M. Lewis as counsel pro hac vice during this proceeding.

Date: April 29, 2024

/s/ Celine J. Crowson
Celine Jimenez Crowson (Reg. No. 40,357)
Joseph Raffetto (Reg. No. 66,218)
Scott Hughes (Reg. No. 68,385)
Damon M. Lewis (*Pro Hac Vice* being submitted)
Ryan Stephenson (Reg No. 76,608)
Nicholas Rotz (Reg. No. 75,959)
HOGAN LOVELLS US LLP
555 13th Street N.W.
Washington, D.C. 20004
Telephone: 202.637.5600
Facsimile: 202.637.5710

Helen Trac (Reg. No. 62,250)
Jiaxing (Kyle) Xu (*Pro Hac Vice* being submitted)
HOGAN LOVELLS US LLP
Four Embarcadero, #3500
San Francisco, CA 94111
Telephone: 415-374-2300
Facsimile: 415-374-2399

CERTIFICATION OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e) and 37 C.F.R. § 42.105, the foregoing and Exhibit 1036 were served on April 26, 2024 in their entireties upon the following parties via electronic mail:

Tarek Fahmi (Lead Counsel)
Ascenda Law Group, LLP
tarek.fahmi@ascendalaw.com

Date: April 29, 2024

/s/ Celine J. Crowson
Celine Jimenez Crowson (Reg. No. 40,357)
Joseph Raffetto (Reg. No. 66,218)
Scott Hughes (Reg. No. 68,385)
Damon M. Lewis (*Pro Hac Vice* being submitted)
Ryan Stephenson (Reg No. 76,608)
Nicholas Rotz (Reg. No. 75,959)
HOGAN LOVELLS US LLP
555 13th Street N.W.
Washington, D.C. 20004
Telephone: 202.637.5600
Facsimile: 202.637.5710

Helen Trac (Reg. No. 62,250)
Jiaxing (Kyle) Xu (Pro Hac Vice being submitted)
HOGAN LOVELLS US LLP
Four Embarcadero, #3500
San Francisco, CA 94111
Telephone: 415-374-2300
Facsimile: 415-374-2399