

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 No. IPR2023-01335
U.S. Patent No. 8,775,833

**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)**

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Patent Trial and Appeal Board
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UPDATED LIST OF EXHIBITS¹

Exhibit No.	Description
Ex-1001	U.S. Patent No. 8,775,833
Ex-1002	Declaration of Dr. Trevor Mudge Submitted in IPR2023-00550
Ex-1003	Curriculum Vitae of Dr. Trevor Mudge
Ex-1004	Prosecution History of U.S. Patent No. 8,775,833
Ex-1005	U.S. Published Patent Application No. 2010/0115304 (“Finkelstein”)
Ex-1006	U.S. Published Patent Application No. 2007/0049133 (“Conroy”)
Ex-1007	U.S. Published Patent Application No. 2011/0022356 (“Nussbaum”)
Ex-1008	U.S. Published Patent Application No. 2009/0089602 (“Bose”)
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Ex-1010	INTENTIONALLY LEFT BLANK
Ex-1011	INTENTIONALLY LEFT BLANK
Ex-1012	INTENTIONALLY LEFT BLANK
Ex-1013	INTENTIONALLY LEFT BLANK
Ex-1014	INTENTIONALLY LEFT BLANK
Ex-1015	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-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	INTENTIONALLY LEFT BLANK
Ex-1023	U.S. Patent No. 7,263,457 (“White”)
Ex-1024	U.S. Patent No. 8,438,416 (“Kocev”)
Ex-1025	U.S. Patent No. 8,984,523 (“Vajda”)
Ex-1026	U.S. Patent No. 7,779,276 (“Bolan”)
Ex-1027	Selected pages of Stefanos Kaxiras et al., <i>Computer Architecture Techniques for Power-Efficiency</i> (2008)
Ex-1028	U.S. Published Patent Application No. 2010/0162006 (“Therien”)
Ex-1029	Declaration of Dr. Robert Horst
Ex-1030	<i>Curriculum Vitae</i> of Dr. Robert Horst
Ex-1031	Declaration of Damon M. Lewis in Support of Motion for <i>Pro Hac Vice</i> Admission

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition (Paper 4), 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 (EX1031), 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. EX1031, ¶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.* On April 29, 2024, Petitioner has filed a motion for *pro hac vice* admission of Mr. Lewis in related proceeding IPR2023-01333. *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.*

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. EX1031, ¶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). EX1031, ¶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 (EX1031), there is good cause to admit Mr. Lewis *pro hac vice* in this proceeding given his extensive experience and qualifications (EX1031 ¶¶2, 8-10) and established familiarity with the subject matter at issue in this proceeding

(EX1031, ¶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. EX1031, ¶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: May 6, 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)

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 1013 were served on May 6, 2024 in their entirety upon the following parties via electronic mail:

Tarek Fahmi (Lead Counsel)
Jonathan Tsao (Back-Up Counsel)
Ascenda Law Group, LLP
2150 N. First St., Suite 420
San Jose, CA 95131
patents@ascendalaw.com

Date: May 6, 2024

/s/ Celine J. Crowson

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