

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 IPR2023-01344
U.S. Patent No. 9,575,895

**PETITIONER MERCEDES-BENZ USA, LLC’S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF JIAXING (KYLE) XU
UNDER 37 C.F.R. § 42.10(c)**

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Patent Trial and Appeal Board
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UPDATED LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 9,575,895 (<i>Challenged Patent</i>) (“ ’895 ”)
1002	File History for the ’895 Patent
1003	IBM POWER7 multicore server processor to Sinharoy et al. (“ Sinharoy ”)
1004	DMA Cache: Using On-Chip Storage to Architecturally Separate I/O Data from CPU Data for Improving I/O Performance to Tang et al. (“ Tang ”)
1005	Explorations of Optimal Core and Cache Placements for Chip Multiprocessor to Thomas Canhao Xu et al. (“ Xu ”)
1006	U.S. Patent Application Publication No. 2009/0164739 to Harikumar (“ Harikumar ”)
1007	Declaration of Dr. Robert Horst
1008	Curriculum Vitae of Dr. Robert Horst
1009	Declaration of Gordon MacPherson, IEEE, Re Sinharoy
1010	Sinharoy IEEE Xplore Page
1011	Declaration of Gordon MacPherson, IEEE, Re Tang
1012	Tang IEEE Xplore Page
1013	Declaration of Gordon MacPherson, IEEE, Re Xu
1014	Xu IEEE Xplore Page
1015	File History for the ’895 Patent Parent Application U.S. Application No. 13/324,053
1016	Architectural Implications of Cache Coherence Protocols with Network Applications on Chip Microprocessors to Kyueun Yi et

Exhibit No.	Description
	al. (“Yi”)
1017	Supplementary Declaration of Dr. Robert Horst
1018	Deposition Transcript of Dr. Michael C. Brogioli
1019	Copyright Record of 2011 NORCHIP with the U.S. Copyright Office
1020	Declaration of Jiaxing (Kyle) Xu in Support of <i>Pro Hac Vice</i> Admission Under 37 C.F.R. § 42.10(c)

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition (Paper 5), Petitioner Mercedes-Benz USA, LLC. (“Petitioner”), respectfully requests that the Board recognize Jiaxing (Kyle) Xu 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. Xu. 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 (EX1020), Jiaxing (Kyle) Xu is a Senior Associate 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. Xu has significant familiarity with the particular subject matter in this IPR proceeding.

This motion is authorized by the Notice of Filing Date Accorded that was

mailed on September 11, 2023. *See* Paper 5, 2.

II. STATEMENT OF FACTS

Mr. Xu has focused his practice on patent law since 2019 and has extensive experience representing clients in patent matters before courts and agencies, including U.S. District Courts and the International Trade Commission. EX1020, ¶8.

Mr. Xu has significant knowledge and experience in patent litigation, including through litigating invalidity defenses, preparing witnesses for deposition and materials for taking depositions, and handling evidentiary issues. *Id.*, ¶9.

Mr. Xu has previously been involved in proceedings before the Board and has worked on such matters since 2021. *Id.*, ¶10. This experience includes: assisting with the preparation of petitions and other submissions and preparing witnesses for deposition. *Id.* In the last three (3) years, he has applied to appear *pro hac vice* in the proceeding IPR2023-01333, and the Board has granted the application. *Id.*

Based on his involvement to date, Mr. Xu 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. Xu is a member in good standing of the state bars of California and New York and is admitted to the United States District Courts for the Northern District of California and the Central District of California. *Id.*, ¶2.

Mr. Xu 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. Xu 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. EX1020, ¶6. Mr. Xu 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). EX1020, ¶7.

Mr. Xu 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. Xu's declaration (EX1020), there is good cause to admit Mr. Xu *pro hac vice* in this proceeding given his extensive experience and qualifications (EX1020 ¶¶2, 8-10)

and established familiarity with the subject matter at issue in this proceeding (EX1020 ¶11).

In addition, Mr. Xu has significant knowledge and experience in patent litigation, including preparing witnesses for deposition and handling evidentiary issues. *Id.*, ¶8-10. These skills are readily applicable to post-grant proceedings and favor admitting Mr. Xu to represent Petitioner.

Petitioner will maintain a registered practitioner as lead counsel for at least as long as Mr. Xu is admitted *pro hac vice*. Mr. Xu 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. EX1020 ¶12.

IV. DECLARATION OF INDIVIDUALS SEEKING TO APPEAR

This unopposed 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 Jiaying (Kyle) Xu as counsel *pro hac vice* during this proceeding.

Date: September 30, 2024

/s/ Celine J. Crowson

Celine Jimenez Crowson (Reg. No. 40,357)

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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 1020 were served on September 30, 2024 in their entireties upon the following parties via electronic mail:

Tarek Fahmi (Lead Counsel)
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Date: September 30, 2024

/s/ Ky-Yen Wong
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