IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCEND ELEMENTS, INC.,
Petitioner,

v.

DUESENFELD GMBH,
Patent Owner.

IPR2024-00948
Patent 11,050,097

Before MEREDITH C. PETRAVICK, CHRISTPHER M. KAISER, and KEVIN W. CHERRY, *Administrative Patent Judges*.

UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF JOSEF B. SCHENKER

LISTING OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 11,050,097 ("'097 Patent")
1002	Patent Prosecution History for U.S. Patent No. 11,050,097
1003	Declaration of Dr. Walter van Schalkwijk
1004	U.S. Patent No. 9,780,419 ("Hanisch")
1005	U.S. Patent No. 6,447,669 ("Lain")
1006	U.S. Patent No. 9,843,077 ("Hayashi")
1007	PCT Application Publication No. WO 2010/102377 ("Stevens II")
1008	U.S. Patent No. 4,357,215 ("Goodenough")
1009	Dorella G. & Mansur M.B., A study of the separation of cobalt from spent Li-ion battery residues, 170 J. Power Sources 210 (2007) ("Dorella")
1010	U.S. Patent No. 10,396,408 ("Shin")
1011	U.S. Patent No. 5,632,863 ("Meador")
1012	*Duesenfeld GMBH v. Ascend Elements, Inc.*, Civ. A. No. 1:23-cv-01194-JFM, Scheduling Order, ECF No. 22 (D. Del. Jan. 26, 2024)
1013	Federal Court Management Statistics–Comparison Within Circuit (Dec. 31, 2023), *available at* https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2023/12/31-3
1014	U.S. Patent No. 9,509,025 ("Iida")
1015	U.S. Patent No. 3,671,318 ("Moe")
1016	U.S. Patent No. 4,118,219 ("Elmore")
1017	U.S. Patent No. 6,524,737 ("Tanii")
1018	U.S. Patent No. 9,450,277 ("Dunagan")
1019	U.S. Patent No. 8,210,456 ("Stevens I")
1020	Declaration of Josef B. Schenker in Support of Motion for *Pro Hac Vice* Admission
1021	Declaration of Conor McDonough in Support of Motion for *Pro Hac Vice* Admission

Pursuant to Rule 42.10(c), and as authorized in the Board's Notice of Filing Date Accorded To Petition (Paper 3), Petitioner Ascend Elements, Inc. ("Petitioner") respectfully requests pro hac vice admission of Josef B. Schenker as counsel in this proceeding. Petitioner has conferred with Patent Owner, and Patent Owner does not oppose this request.

I. STATEMENT OF FACTS

The following statement of facts demonstrates that there is good cause for the Board to recognize Josef B. Schenker as counsel pro hac vice in this proceeding.

Mr. Schenker is an experienced litigation attorney and has an established familiarity with the subject matter at issue in this proceeding. Mr. Schenker has been practicing law since 2011 and has extensive experience litigating patent infringement cases in many jurisdictions, including District Courts across the country, and the International Trade Commission. Among his experience in patent litigation matters, Mr. Schenker has been involved in drafting and arguing briefs before the Court, including *Markman* hearings, performing validity and infringement analyses, overseeing all aspects of claim construction, conducting discovery investigations, managing expert witnesses, and taking and defending depositions, and examining witnesses at trial.

Mr. Schenker is familiar with U.S. patent No. 11,050,097 ("the '097 Patent") and the issues involved in this case. Mr. Schenker has been heavily involved with

analysis of the ’097 Patent, related patents, and the prior art involved in this proceeding. Mr. Schenker is one of the attorneys representing Petitioner against Patent Owner as counsel in the pending District Court litigation—where Patent Owner has asserted infringement of the ’097 Patent—and has been actively involved with representing Petitioner in that action since January 2024. Mr. Schenker has, among other things, been heavily involved with analysis of the asserted ’097 Patent, including with respect to validity issues. Accordingly, Petitioner has requested Mr. Schenker represent it in these proceedings.

II. DECLARATION OF JOSEF B. SCHENKER

As directed by the Board, this Motion is also accompanied by the Declaration of Josef B. Schenker in Support of Motion for *Pro Hac Vice* Admission (Ex. 1020) attesting to the requirements laid out in the Board’s Order Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639 (Paper 7).

III. CONCLUSION

For the foregoing reasons as well as the reasons contained in the attached declaration, Petitioner respectfully requests admission of Josef B. Schenker as counsel *pro hac vice*.

Respectfully submitted,

Dated: Jan. 29, 2025

/s/ Ryan Iwahashi
Ryan Iwahashi (Reg. # 63,378)
Attorney for Petitioner, Ascend Elements, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that these foregoing UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION OF JOSEF B. SCHENKER and EXHIBIT 1020 were served by filing these documents through the Patent Trial and Appeal Board End to End (PTAB E2E) as well as providing a courtesy copy via e-mail to the following attorneys of record for the Patent Owner listed below:

Steven C. Carlson
ROBBINS KAPLAN LLP
555 Twin Dolphin Drive, Suite 310
Redwood City, CA 94065
(650) 784-4040
SCarlson@RobinsKaplan.com

Samuel J. LaRoque
ROBBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
(612) 349-8500
SLaRoque@RobinsKaplan.com

Matthew A. Smith
Reg. No. 49,003
SMITH BALUCH LLP
700 Pennsylvania Ave. SE, 2nd floor
Washington, DC 20003
(202) 669-6207
smith@smithbaluch.com

Elizabeth Laughton
Reg. No. 70,484
SMITH BALUCH LLP
(703) 585-8839
laughton@smithbaluch.com

Date: January 29, 2025

/s/ Ryan Iwahashi
Ryan Iwahashi (Reg. # 63,378)