

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DealerSocket, Inc.
Petitioner

v.

AutoAlert, LLC
Patent Owner

Case CBM2014-00139
Patent 8,396,791

Before Breck A. Reitter, *Trial Paralegal*.

**DECLARATION OF L. REX SEARS IN SUPPORT OF PETITIONER'S
MOTION FOR *PRO HAC VICE* ADMISSION**

I, L. Rex Sears, declare as follows:

1. I am a member of the law firm Maschoff Brennan Laycock Gilmore Israelsen and Wright, PLLC, which has offices in Salt Lake City and Park City, Utah, and Irvine, California. I have been practicing law, with a focus on patent litigation and other intellectual property matters, since October 19, 1999. Before joining Maschoff Brennan in 2013, I was a shareholder at Workman Nydegger, a Salt Lake City-based law firm, which I joined in 2000.

2. I am and have continuously been a member in good standing of the Utah State Bar since October 19, 1999, and the California State Bar since December 6, 2013. I am admitted to practice in the United States District Courts for the District of Utah and the Central District of California; the United States Courts of Appeal for the Federal, Ninth, and Tenth Circuits; and the United States Court of Claims.

3. I have also been admitted *pro hac vice* to numerous federal courts around the country, including, for example, the Eastern District of Texas, the District of Delaware, the District of Maryland, and the District of Oregon.

4. Over the years, I have been counsel of record in numerous patent litigation matters in the above-referenced courts.

5. I have never been suspended, disbarred, sanctioned, nor cited for contempt by any court or administrative body.

6. No court or administrative body has ever denied my application for admission to practice.

7. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in 37 C.F.R. Part 42.

8. I agree to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 et seq. and disciplinary jurisdiction under 37 C.F.R. §11.19(a).

9. I have not appeared *pro hac vice* in any USPTO proceedings in the last three years.

10. I am familiar with the subject matter of this proceeding. Specifically, I am one of the attorneys representing DealerSocket in patent litigation with patent owner AutoAlert, Inc. (“AutoAlert”), in which AutoAlert has alleged that my client, DealerSocket, infringes the patent at issue in this proceeding, U.S. Patent No. 8,396,791. The case is *AutoAlert, Inc. v. DealerSocket, Inc.*, Case No. SAC 12-1661 (C.D. Cal.).

11. My partner, Richard C. Gilmore, who is registered to practice before the USPTO, will remain as lead counsel in this CBM proceeding, and, if my application is granted, I will become backup counsel.

///

///

///

///

///

///

///

///

///

///

///

///

12. I declare further that statements made in this declaration are of my own knowledge and are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

/s/ L. Rex Sears

L. Rex Sears

MASCHOFF BRENNAN LAYCOCK
GILMORE ISRAELSEN & WRIGHT PLLC

Customer No. 97149
Telephone: (435) 252-1360
Facsimile: (435) 252-1361
Attorney Docket No.: D1164.00024

Dated: October 16, 2014

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing
DECLARATION OF L. REX SEARS IN SUPPORT OF PETITIONER'S
MOTION FOR *PRO HAC VICE* ADMISSION, was served on October 16, 2014
via E-mail on the attorneys of record for AutoAlert in the Civil Action and to the
official correspondence address for the '791 patent shown in PAIR, as follows:

Craig S. Summers, craig.summers@knobbe.com
David G. Jankowski, david.jankowski@knobbe.com
Cheryl T. Burgess, cheryl.burgess@knobbe.com
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, Fourteenth Floor
Irvine CA 92641
Telephone: (949) 760-0404
Facsimile: (949) 760-9502

/s/ Richard C. Gilmore

Registration No. 37,335
MASCHOFF BRENNAN LAYCOCK
GILMORE ISRAELEN & WRIGHT PLLC
201 South Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: (435) 252-1360
Facsimile: (435) 252-1361