

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

DEALERSOCKET, INC.  
Petitioner,

v.

AUTOALERT, LLC,  
Patent Owner.

---

Cases CBM2014-00132 (Patent 8,095,461 B2)  
CBM2014-00139 (Patent 8,396,791 B2)  
CBM2014-00146 (Patent 8,086,529 B2)<sup>1</sup>

---

Before JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

DECISION

DealerSocket's Motion for *Pro Hac Vice* Admission of Michael D. Sears  
*37 C.F.R. § 42.10*

---

<sup>1</sup> This Decision addresses the same issue in all of the above-identified cases. Therefore, we issue one Decision to be filed in all cases. The parties, however, are not authorized to use this style heading in subsequent papers.

CBM2014-00132 (Patent 8,095,461 B2)  
CBM2014-00139 (Patent 8,396,791 B2)  
CBM2014-00146 (Patent 8,086,529 B2)

Petitioner DealerSocket, Inc. (“DealerSocket”) filed a Motion for *Pro Hac Vice* Admission of Mr. L. Rex Sears in each of the above-identified proceedings. Paper 8 (“Mot.”).<sup>2</sup> Patent Owner AutoAlert, LLC did not file oppositions to the Motions. For the reasons provided below, DealerSocket’s Motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. The Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the above-identified proceedings. Paper 3, 2.

In the above-identified proceedings, lead counsel for DealerSocket, Mr. Richard D. Gilmore, is a registered practitioner. Mot. 2. DealerSocket’s Motions indicate that there is good cause for us to recognize Mr. Sears *pro hac vice* during these proceedings and is supported by the Declaration of Mr. Sears (Paper 9).<sup>3</sup> Mot. 1–2.

In particular, Mr. Sears declares that he is an experienced patent litigating attorney and has been practicing law, with a focus on patent litigation and other intellectual property matters, since October 19, 1999. Paper 9 ¶ 1. Mr. Sears also declares that he has established familiarity with the subject matter at issue in the

---

<sup>2</sup> For the purpose of clarity and expediency, we treat CBM2014-00132 as representative, and all citations are to CBM2014-00132 unless otherwise noted.

<sup>3</sup> The Declaration of Mr. Sears should have been filed as a separate exhibit and labeled properly. 37 C.F.R. § 42.63.

CBM2014-00132 (Patent 8,095,461 B2)  
CBM2014-00139 (Patent 8,396,791 B2)  
CBM2014-00146 (Patent 8,086,529 B2)

above-identified proceedings, as he has been representing DealerSocket in the related district court litigation that involves the same patents being challenged in the proceedings before us. *Id.* ¶ 10. Additionally, Mr. Sears's Declaration complies with the requirements set forth in the Board's Order authorizing motions for *pro hac vice* admission. *Id.* ¶¶ 1–11.

On this record, we determine that Mr. Sears has sufficient legal and technical qualifications to represent DealerSocket in the above-identified proceedings. We further recognize that there is a need for DealerSocket to have its counsel in the co-pending litigation involved in the proceedings before us. Accordingly, DealerSocket has established that there is good cause for Mr. Sears's admission.

It is

ORDERED that DealerSocket's motion for *pro hac vice* admission of Mr. L. Rex Sears is *granted*; Mr. Sears is authorized to represent DealerSocket as back-up counsel in the above-identified proceedings only;

FURTHER ORDERED that DealerSocket is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Sears is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Sears is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

CBM2014-00132 (Patent 8,095,461 B2)  
CBM2014-00139 (Patent 8,396,791 B2)  
CBM2014-00146 (Patent 8,086,529 B2)

For PETITIONER:

Richard Gilmore  
MASCHOFF BRENNAN  
[2rgilmore@mabr.com](mailto:2rgilmore@mabr.com)

For PATENT OWNER

Craig S. Summers  
Brenton R. Babcock  
David G. Jankowski  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
[2css@knobbe.com](mailto:2css@knobbe.com)  
[2brb@knobbe.com](mailto:2brb@knobbe.com)  
[2dgj@knobbe.com](mailto:2dgj@knobbe.com)