

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEALERSOCKET, INC.
Petitioner,

v.

AUTOALERT, LLC,
Patent Owner.

Cases CBM2014-00139
Patent 8,396,791 B2

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

LEE, *Administrative Patent Judge.*

DECISION

DealerSocket's Motion for *Pro Hac Vice* Admission of Sterling A. Brennan
37 C.F.R. § 42.10

Petitioner DealerSocket, Inc. (“DealerSocket”) filed a Motion for *Pro Hac Vice* Admission of Mr. Sterling A. Brennan in this proceeding. Paper 15 (“Mot.”). In a conference call dated November 13, 2014, counsel for Patent Owner indicated that Patent Owner does not oppose the motion. Paper 17. For the reasons provided below, DealerSocket’s Motion is *dismissed*.

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 Motion asserts that there is good cause for us to recognize Mr. Brennan *pro hac vice* in this proceeding, and is supported by the Declaration of Mr. Brennan (Paper 16).¹ Mot. 1–2.

Mr. Brennan declares that he has been a member in good standing of the California State Bar since 1986 and that he has been lead or co-lead counsel on numerous patent litigation matters. Paper 16 ¶ 2, 4. Mr. Brennan also declares that he has familiarity with the subject matter at issue in this proceeding, as he is one of the attorneys representing DealerSocket in the related district court action that involves U.S. Patent No. 8,095,461. *Id.* ¶ 10. However, we note that the patent

¹ The Declaration of Mr. Brennan should have been filed as a separate exhibit and labeled properly. 37 C.F.R. § 42.63.

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involved in this proceeding is U.S. Patent No. 8,396,791 B2, not U.S. Patent No. 8,095,461. Also, Mr. Brennan does not state that he will comply with the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. § 11.101, *et. seq.*

It is

ORDERED that DealerSocket's motion for *pro hac vice* admission of Mr. Sterling A. Brennan is *dismissed* without prejudice.

For PETITIONER:

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For PATENT OWNER

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