

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 Renewed Motion for
Pro Hac Vice Admission of Sterling A. Brennan
37 C.F.R. § 42.10

On November 17, 2014, we dismissed, without prejudice, Petitioner DealerSocket, Inc. (“DealerSocket”)’s Motion for *Pro Hac Vice* Admission of Mr. Sterling A. Brennan (Paper 15). Paper 18. On November 20, 2014, DealerSocket filed a Renewed Motion for *Pro Hac Vice* Admission of Mr. Sterling A. Brennan (“Renewed PHV Motion for Mr. Brennan”). Paper 19. The Renewed PHV Motion for Mr. Brennan is supported by the declaration of Mr. Brennan (Paper 20), is unopposed by Patent Owner, but does not cure one of the two deficiencies noted in our Order (Paper 18) with respect to the Motion for *Pro Hac Vice* Admission of Mr. Sterling A. Brennan (Paper 15). Specifically, we stated:

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 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.*

Paper 18, 2–3. Familiarity with the subject matter of this proceeding is an important factor for consideration when reviewing a motion for *pro hac vice* admission of an unregistered practitioner. Despite the deficiencies noted in the above-quoted language of our Order, in his declaration supporting DealerSocket’s Renewed PHV Motion for Mr. Brennan, Mr. Brennan still identifies U.S. Patent No. 8,095,461, rather than the patent involved in this proceeding, i.e., U.S. Patent No. 8,396,791, as one with which he has gained familiarity by being counsel in related district court action.

For the foregoing reason, it is

ORDERED that the Renewed PHV Motion for Mr. Brennan is again *dismissed*, without prejudice; and

FURTHER ORDERED that DealerSocket shall have only one more opportunity to correct the above-noted deficiency in a “Second Renewed Motion,” and if this deficiency still is not corrected in the Second Renewed Motion, the Second Renewed Motion will be denied, with prejudice; and

FURTHER ORDERED that in any further renewed motion, the supporting declaration of Mr. Sterling A. Brennan shall be filed as a separate exhibit and labeled properly. 37 C.F.R. § 42.63.

For PETITIONER:

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For PATENT OWNER

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