

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE BOEING COMPANY,
Petitioner

v.

SEYMOUR LEVINE,
Patent Owner

CASE: IPR2015-01341
Patent No. RE39,618

**DECLARATION OF EDWARD G. DANE IN
SUPPORT OF MOTION FOR PRO HAC VICE
ADMISSION UNDER 37 C.F.R. § 42.10**

I, Edward (Ted) G. Dane, declare and attest as follows:

1. I am a member of the firm Munger, Tolles & Olson LLP. I make this declaration in support of Petitioner The Boeing Company's Motion for Edward (Ted) G. Dane to Appear *Pro Hac Vice* Under 37 C.F.R. § 42.10, filed in the above-captioned IPR No. 2015-01341.

2. I have more than twenty years of litigation experience and have litigated numerous patent cases. I have argued several TRO applications, preliminary injunction motions, and *Markman* hearings in patent cases in federal district court. I have also argued four patent appeals before the United States Court of Appeals for the Federal Circuit, and appeared as counsel on numerous other appeals before the Federal Circuit. Attached as **Exhibit A** is a copy of my professional biography as provided by Munger, Tolles & Olson LLP.

3. I am counsel of record for Petitioner The Boeing Company in concurrent pending federal district court litigation involving the same U.S. Patent No. RE39,618 ("the '618 Patent"). See *Seymour Levine v. The Boeing Company*, Case No. 2:14-cv-1991-RSL (W.D. Wash.). Attached as **Exhibit B** is a copy of the docket from that proceeding, which shows that I have appeared as lead counsel in that lawsuit on behalf of The Boeing Company. I am very familiar with the '618 Patent and the subject matter of the current *inter partes* review proceeding as a result of my position as The Boeing Company's lead counsel in the concurrent district court litigation.

4. I was admitted to practice law in California on December 11, 1989. My bar number is No. 143195. I remain in good standing as a member of the California Bar. Attached as **Exhibit C** is a copy of my bar status from The State Bar of California.

- a. USDC, E.D. Texas, Marshall Division
- b. USDC, E.D. Texas, Texarkana Division
- c. USDC, C.D. California
- d. USDC, E.D. California
- e. USDC, S.D. California
- f. USDC, N.D. California
- g. USDC, D. Arizona
- h. USDC, D. North Dakota
- i. USDC, N.D. Illinois
- j. USDC, D. Delaware
- k. USDC, S.D. Florida
- l. U.S. Court of Appeals, Federal Circuit
- m. U.S. Court of Appeals, 7th Circuit
- n. U.S. Court of Appeals, 9th Circuit
- o. U.S. Supreme Court

6. I have never been suspended or disbarred by any court or administrative body. Nor have I ever been disciplined by a court, bar association, or committee thereof that would reflect unfavorably upon my conduct, competency or fitness as a member of the Bar. No sanctions or contempt citations have been imposed upon me by any court or administrative body. With the exception of one application for *pro hac vice* admission, discussed *infra* at ¶ 7, I have never been denied application for admission to practice before any court or administrative body.

7. I have previously been authorized to appear *pro hac vice* before the Board of Patent Appeals and Interferences. In *Alien Technology Corporation v. Intermec., Inc. et al.*, Appeal 2012-005401, Reexamination Control No. 95/001,265 (B.P.A.I. 2012), I filed an application for *pro hac vice* admission that was initially

Board granted my application and authorized my appearance *pro hac vice* in the oral hearing in that matter.

8. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R. I also understand that I am subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. §§ 11.19(a).

9. I understand that I would be admitted for the limited purpose of appearing in the case specified above only.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 12, 2016 in Los Angeles, California.



Edward (Ted) G. Dane

EXHIBIT A

Explore Litigation Insights

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