

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Vilox Technologies, LLC v. Salesforce, Inc.

No. 23-cv-05047-AMO (N.D. Cal. June 30, 2025) · No. 23-cv-05047-AMO · Decided June 30, 2025

OPINION

Vilox Technologies, LLC v. Salesforce, Inc.

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 VILOX TECHNOLOGIES, LLC, et al., Case No. 23-cv-05047-AMO 8 Plaintiffs,

ORDER DENYING RENEWED

9 v. MOTION TO INTERVENE AND

SUBSTITUTE PLAINTIFFS

10 SALESFORCE, INC.,

Re: Dkt. No. 96 Defendant. 11 12 13 Plaintiffs Vilox Technologies, LLC and Vilox LLC
commenced this patent infringement 14 action against Salesforce on December 5, 2022. ECF 1.
Acting as Vilox Technologies, LLC's 15 President and CEO, Dr. Joseph Lewis De Bellis
purportedly assigned all interest in the patents at 16 issue in this case to himself. ECF 100-3. He
now moves to intervene under Federal Rule of Civil

17 Procedure 24, seeks to substitute in as a pro se plaintiff in place of the Vilox entities under
Federal

18 Rule of Civil Procedure 25, and asks that Vilox's counsel, Ramey LLP, be allowed to withdraw.
19 ECF 96. The Court deems the motion suitable for disposition without hearing pursuant to Civil
20 Local Rule 7-1(b). Accordingly, the hearing currently set for July 10, 2025 is VACATED. For
21 the reasons set forth below, the motion is DENIED. 22 I. Intervention as of Right 23 Federal
Rule of Civil Procedure 24(a)(2) provides that: 24 On timely motion, the court must permit
anyone to intervene who . . . claims an interest relating to the property or transaction that is 25 the
subject of the action, and is so situated that disposing of the action may as a practical matter
impair or impede the movant's 26 ability to protect its interest, unless existing parties adequately
represent that interest. 27 1 right under Rule 24(a)(2) as follows: 2 (1) [T]he [applicant's] motion
must be timely; (2) the applicant must have a "significantly protectable" interest relating to the
property or 3 transaction which is the subject of the action; (3) the applicant must be so situated
that the disposition of the action may as a practical 4 matter impair or impede its ability to protect
that interest; and (4) the applicant's interest must be inadequately represented by the parties 5 to

the action. 6 *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 841 (9th Cir. 2011) (citations 7 omitted; modifications in original). “Failure to satisfy any one of the requirements is fatal to the 8 application.” *Perry v. Prop. 8 Official Proponents*, 587 F.3d 947, 950 (9th Cir.2009).

9 The Court assumes, without deciding, that the first two elements of this test are met. The 10 third and fourth elements, however, are not. Dr. De Bellis is not so situated that the disposition of 11 the action may as a practical matter impair or impede its ability to protect his interest. The Vilox 12 entities commenced this action as owners of the patent at issue. See ECF 1. Dr. De Bellis is the 13 President and CEO of Vilox Technologies, see ECF 100-3, and given that relationship, his interest 14 in protecting the patents is aligned with that of his company.¹ See *Forsyth v. HP Inc.*, No. 5:16- 15 CV-04775-EJD, 2020 WL 71379, at *3 (N.D. Cal. Jan. 7, 2020) (denying motion to intervene 16 where the party seeking intervention shared a common goal with plaintiffs – obtaining justice for 17 employees who were unlawfully terminated by defendant). Indeed, multiple filings in this case 18 reflect the input Dr. De Bellis, without being joined as a party, has had on the course of this 19 litigation to date. See ECF 77-1, 86-1, 88-2. 20 For these same reasons, the Court concludes that Dr. De Bellis’ interest is adequately 21 represented by the Vilox entities. Indeed, allowing Dr. De Bellis to intervene in this action pro se, 22 even if only on a temporary basis, is likely to further jeopardize any interest he has in the patents 23 at issue. The Vilox entities are in a position to make all of the meritorious arguments that would 24 be available to Dr. De Bellis, and there is no indication that allowing Vilox to keep litigating the 25 case would preclude Dr. De Bellis from continuing to participate in the case as he has already. 26

1 Pointing to certain business records, Salesforce notes that both Vilox entities are inactive and list 27 Dr. De Bellis as its sole member, suggesting that Dr. De Bellis has more control over Vilox’s 1 The Court notes that Dr. De Bellis indicates “there was considerable and sustained 2 pressure from Vilox Technologies’ counsel to abandon the case.” See, e.g., ECF 100-1 at 4; see 3 also *id.* at 5 (indicating that Ramey LLP no longer wished to represent Vilox once cases the firm 4 filed on its behalf were transferred). The solution for any disagreement in litigation strategy is not 5 intervention. See *Forsyth v. HP Inc.*, 2020 WL 71379, at *5 (“[D]ifferences in litigation strategy 6 are not enough to justify intervention as a matter of right.”) (internal quotations and citation 7 omitted). As set forth at the end of this order, to the extent such differences in strategy warrant 8 seeking replacement counsel, Vilox has the opportunity to do so. Until then, Ramey LLP is 9 expected to honor its ethical obligations while it remains counsel of record before this Court. 10 Accordingly, the Court DENIES the motion to intervene as of right. 11

II. Substitution 12 Federal Rule of Civil Procedure 25(c) provides “[i]f an interest is transferred, the action 13 may be continued by or against the original party unless the court, on motion, orders the transferee 14 to be substituted in the action or joined with the original party.” Fed. R. Civ. P. 25(c). “The most 15 significant feature of Rule 25(c) is that it does not require that anything be done after an interest 16 has been transferred.” *In re Bernal*, 207 F.3d 595, 598 (9th Cir. 2000) (citation omitted); see also 17 *Sun-Maid Raisin Grow. of Cal. v. California Pack. Corp.*, 273 F.2d 282, 284 (9th Cir.

1959) 18 (“Substitution or joinder is not mandatory where a transfer of interest has occurred.”). The case 19 “may be continued by or against the original party, and the judgment will be binding on his 20 successor in interest even though he is not named. An order of joinder is merely a discretionary 21 determination by the trial court that the transferee’s presence would facilitate the conduct of the 22 litigation.” In re Bernal, 207 F.3d at 598 (citation omitted). 23 Granting Dr. De Bellis’s motion under Rule 25(c) would not facilitate the conduct of this 24 litigation. Dr. De Bellis seeks to substitute in to proceed pro se, which will only prolong the 25 litigation the Vilox entities commenced in December 2022. For example, in a status report filed 26 May 20, 2025, Dr. De Bellis states:

27 The current state of the case has put me in a number of myself pro se in front of the Patent Trial and Appeal Board (PTAB) 1 and disentangle Ramey LLP from the case. I believe that my case and its merits will become clear as the cases progress, however no 2 progress can be made until Ramey, LLP and Vilox Technologies are released from the case. 3 I am grateful to the court for giving me the opportunity to represent myself pro se. Ultimately my goal is to secure 4 representation from another law firm. This however is not possible as every firm that has reviewed the case thus far is prohibited from 5 giving any further consideration or proceeding given the fact that Ramey, LLP is still attached to the case. 6 I would like to respectfully request that the issue of Vilox Technologies and Ramey, LLP being removed from the case be 7 addressed as soon as possible. With Ramey LLP out of the case, I can engage another law firm. I have gotten strong positive feedback 8 from a few firms, however nothing can proceed until Ramey, LLP is released. 9 My second request is that upon Mr. Ramey’s release, I would like to request a 90 day extension to permit me the 10 opportunity to secure alternate legal representation. I am very aware of the burden that pro se litigation presents 11 to the court and opposing counsel. I also do not have the luxury of refile as my patents have expired. This case is my only chance to 12 represent myself and my 25 years of work. I have no intention of wasting the court’s, the defendant’s, or opposing counsel’s time. 13 Dropping Vilox Technologies, releasing Ramey, LLP and giving me an extension will offer me the best opportunity to try my case but 14 also ensure smooth professional progress for the court and opposing counsel. 15 16 ECF 102 at 4. 17 Dr. De Bellis’s representations in the status report justify denying Rule 25(c) relief for two 18 reasons. First, if permitted to substitute in, Dr. De Bellis will still need time to find counsel, and 19 even if he is able to secure counsel, this action will not proceed until new counsel has had an 20 opportunity to familiarize themselves with the case. This only magnifies the delay that has already 21 taken place in this litigation due to the purported assignment of the patents at issue from the 22 plaintiffs to Dr. De Bellis. 23 Second, to the extent Dr. De Bellis, who is the President and CEO of Vilox Technologies, 24 see ECF 100-3, no longer wants Ramey LLP representing the company, Vilox Technologies is 25 free to fire them and obtain replacement counsel. The fact that Dr. De Bellis views that ability as 26 somehow conditioned on substitution under Rule 25(c) illustrates the improper nature of the 27 instant motion: to get around the requirement that the Vilox entities, in

order to litigate this case, 1 2023, Vilox Technologies, LLC, in anticipation of possible withdrawal by Ramey LLP, assigned 2 all rights to the asserted patents to Joseph L. De Bellis to allow Dr. De Bellis to pursue the patent 3 infringement complaint pro se.” Rule 25(c) is not a vehicle for Dr. De Bellis to obtain relief from 4 || the requirement that the Vilox entities must proceed through counsel. See Ubiquitous 5 Connectivity, LP v. TXU Energy Retail Co., LLC, No. 3:18-CV-2084-K, 2022 WL 17364274, at 6 *3 (N.D. Tex. Nov. 9, 2022), report and recommendation adopted, No. 3:18-CV-2084-K, 2022 7 || WL 17364261 (N.D. Tex. Nov. 30, 2022), aff’d, No. 2023-1349, 2023 WL 3914922 (Fed. Cir. 8 || June 9, 2023) (finding motion to substitute parties “an attempted end-run around the requirement 9 || that limited partnerships . . . be represented by licensed counsel” where the patent “assignment 10 was executed the same day that [the movant] tried to take over representation in th[e] matter, . . . 11 indicat[ing] that these actions were part of a concerted effort to disregard the Court’s order — and 12 || the law — and have [the movant], the president of Ubiquitous, represent Ubiquitous’s interests 5 13 instead of licensed counsel.”). 14 For the reasons set forth above, the renewed motion to intervene and to substitute is 3 15 || DENIED. Vilox’s counsel’s request to withdraw is DENIED AS MOOT. To the extent Vilox 16 || wishes to proceed represented by different counsel, new counsel must appear within 30 days of 3 17 this order. Should new counsel appear, the Court will STAY this matter for 45 days from their 18 appearance to afford new counsel an opportunity to get up to speed. Salesforce may re-submit its 19 motion to dismiss, ECF 87, within 90 days of this order. The Vilox entities shall file their 20 || opposition within 14 days of Salesforce’s re-submission of its motion to dismiss. Salesforce shall 21 file a reply within 7 days of the filing of the Vilox entities’ opposition. 22 IT IS SO ORDERED. 23 Dated: June 30, 2025 24] { | □ □ □ □ - 25 col:

ARACELI MARTINEZ-OLGUIN

26 United States District Judge 27 28