

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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CLARK FILTER, INC.

Petitioner,

v.

CAMFIL USA, INC., d/b/a CAMFIL AIR POLLUTION CONTROL,

Patent Owner.

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Case No. IPR2016-00987

U.S. Patent No. 9,174,155

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**MOTION FOR ADMISSION *PRO HAC VICE* OF JESSICA HUTSON  
POLAKOWSKI PURSUANT TO 37 C.F.R. §42.10**

## I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.10 and the Board's authorization to file motions for *pro hac vice* admission set forth in the Notice of Filing Date Accorded Petition entered May 4, 2016, Petitioner Clark Filter, Inc. requests that the Board admit Jessica H. Polakowski *pro hac vice* as back-up counsel in this proceeding.

## II. STATEMENT OF FACTS

Pursuant to 37 C.F.R. §42.10(c), the Board

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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

37 C.F.R. §42.10(c). Further, the Board has required that a motion for *pro hac vice* admission be filed in accordance with the “Order – Authorizing Motion for Pro Hac Vice Admission” in case IPR2013-00639, Paper 7 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice*

during the proceeding[,]” and “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has 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 the C.F.R.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

The facts, supported by the attached Declaration of Jessica H. Polakowski in Support of Motion for Admission *Pro Hac Vice* ("Polakowski Decl."), establish good cause to admit Ms. Polakowski *pro hac vice* in this proceeding.

1. Lead counsel, Robert A. Lawler, is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.
2. Backup counsel, Andrew J. Heinisch, is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.
3. Ms. Polakowski is an experienced litigating attorney with more than ten (10) years of experience. (Polakowski Decl. ¶ 1.) Ms. Polakowski has been litigating patent cases for at least eight (8) of those years. (*Id.* ¶ 2.) Ms. Polakowski is a member in good standing of the Wisconsin State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States Court of Appeals for the 7th Circuit, United States District Courts for the Eastern and Western Districts of Wisconsin and the United States District Courts for the Northern District of Illinois. (*Id.* ¶¶ 3-6.)

4. Ms. Polakowski has familiarity with the technology and subject matter at issue in this proceeding, including the Petition challenging Pat. No. U.S. 9,174,155, and with the Petition in the related proceeding IPR2016-00982. Ms. Polakowski is familiar with the challenged patent, the prior art cited in this proceeding, and facts and opinions set forth in Petitioner's expert declaration. Ms. Polakowski is also familiar with the Patent Owner's Preliminary Response (filed August 4, 2016), and the exhibits and declarations filed therewith, and the co-pending litigation regarding the challenged patent. (*Id.* ¶¶ 7-8.)

5. Ms. Polakowski has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and she agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§10.20 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id.* ¶¶ 9-10.)

6. Ms. Polakowski appeared *pro hac vice* in three related proceedings before the Office in the last three (3) years: IPR2012-0006, IPR2012-00007 and IPR2013-00011, each styled *Illumina, Inc. v. The Trustees of Columbia University in the City of New York*. Each of these proceedings reached a Final Written Decision on March 6, 2014. (*Id.* ¶ 11.)

7. Ms. Polakowski will be simultaneously applying to appear *pro hac vice* in this proceeding and IPR2016-00982.

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