

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUANGDONG ALISON HI-TECH CO., LTD.,
Petitioner

v.

ASPEN AEROGELS, INC.,
Patent Owner

Case No.: IPR2017-00201

Patent No. 7,399,439

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF GARY
M. HNATH PURSUANT TO 37 C.F.R. § 42.10(c)**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Case IPR2017-00201

Patent No. 7,399,439

Petitioner's Motion for *Pro Hac Vice* Admission

PETITIONER'S EXHIBIT LIST

Description	Exhibit #
Previously Filed	
Aspen Aerogel Inc.'s U.S. Pat. No. 7,399,439	1001
Prosecution history of the '439 patent	1002
Declaration of George W. Scherer, Ph.D.	1003
Aspen's Initial Claim Construction Brief in 337-TA-1003 (filed Sept. 20, 2016)	1004
Nakanishi (U.S. Pat. No. 4,950,148)	1005
Ramamurthi (U.S. Pat. No. 5,306,555)	1006
Champagne (U.S. Pat. No. 6,187,250)	1007
Andersen (U.S. Pat. No. 5,665,442)	1008
Roberts (U.S. Pat. No. 3,042,573)	1009
Sonoda (Japanese Patent No. H8-34678)	1010
English Translation of Sonoda (w/ certification)	1011
Uchida (U.S. Pat. No. 6,123,882)	1012
Product Information – Gels – Dow Corning® CY 52-276, 2-part, clear, 1:1 mix ratio, gel with controlled volatility	1013
Silicone Chemistry Overview Dow Corning®	1014
Handbook of Sealant Technology (Edited by Mittal, K.L. and Pizzi, A (2009))	1015
Bibliographic data from Public Pair on the USPTO website for application Ser. No. 06/814,726	1016
History of Dow Corning from Dow website	1017
<i>Curriculum vitae</i> of George W. Scherer, Ph.D.	1018

Case IPR2017-00201
Patent No. 7,399,439
Petitioner's Motion for *Pro Hac Vice* Admission

D. Hotza and P. Greil, "Review: Aqueous Tape Casting of Ceramic Powders," Materials Science and Engineering, A202 (1995), pp. 206-17	1019
J.S. Reed, Principles of Ceramics Processing, Second Edition, pp. 525-41 (1995)	1020
Britannica Encyclopedia – "Advanced Ceramics" (2001)	1021
S.S. Kistler, "Coherent expanded aerogels," J. Phys. Chem., 36 [1] (1931), pp. 52-64	1022
Yada (U.S. Pat. No. 5,004,761)	1023
Declaration of Bryan Nese	1024
Currently Filed	
Declaration of Gary M. Hnath in Support of Motion for <i>Pro Hac Vice</i> Admission	1025

Pursuant to 37 C.F.R. § 42.10(c) and in response to the authorization provided by the United States Patent and Trademark Office's Patent Trial and Appeal Board ("Board") in the Notice of Filing Date Accorded to Petition (Paper Number 4, entered November 17, 2016) ("Notice"), Petitioner Guangdong Alison Hi-Tech Co., Ltd. ("Petitioner") hereby files this motion for Gary M. Hnath to appear *pro hac vice* on its behalf, as back-up counsel, before the Board in IPR2017-00201. This motion follows the guidelines set forth in IPR2013-00639, Paper 7, entered October 15, 2013 ("Order").

I. TIME FOR FILING

Pursuant to the Order, this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the petition.

II. STATEMENT OF FACTS

Pursuant to the Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Hnath *pro hac vice*.

Lead counsel for this proceeding, Joseph A. Mahoney, is a registered practitioner (Registration No. 38,956).

Mr. Hnath is an experienced litigation attorney, and has been involved in numerous patent infringement cases in the U.S. International Trade Commission and in federal District Courts across the country. Ex. 1025, ¶ 8. He has experience in various aspects of patent infringement matters including trials, Markman

hearings, and summary judgment hearings. *Id.* Mr. Hnath is a member in good standing of the District of Columbia Bar, the Bar of Virginia, and the Court of Appeals of Maryland. *Id.* at ¶ 1. He is admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Federal and District of Columbia Circuits, the United States Court of Federal Claims, and the United States District Courts for the District of Columbia, the District of Maryland, and the Eastern District of Virginia. *Id.* Mr. Hnath has not been suspended or disbarred from practice, never had any application for admission to practice denied, nor had any sanctions or contempt citations imposed against him. *Id.* at ¶¶ 2-4.

Mr. Hnath has reviewed and is familiar with the '439 patent and related patents, the asserted prior art references, and invalidity arguments. *Id.* at ¶ 9. Further, Mr. Hnath has been involved and is familiar with the factual and legal arguments at issue in the litigation brought by Patent Owner against Petitioner in the U.S. International Trade Commission. *Id.* Accordingly, Mr. Hnath is familiar with the subject matter at issue in these proceedings for the '439 patent.

Mr. Hnath 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 37 C.F.R., and he agrees to be 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. §

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.