

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CASCADES CANADA ULC
and
TARZANA ENTERPRISES, LLC,
Petitioner,

v.

SCA HYGIENE PRODUCTS AB,
Patent Owner.

Case IPR2017-01921
Patent No. 9,320,372

Mailed: February 21, 2018

**PETITIONER'S UNOPPOSED MOTION FOR PRO HAC VICE
ADMISSION OF KARA R. FUSSNER UNDER 37 C.F.R. § 42.10(c)**

EXHIBIT INDEX

Ex #	Exhibit
1001	U.S. Patent No. 8,597,761 (“the ‘761 patent”)
1002	Expert Declaration of Mate Mrvica
1003	<i>Curriculum Vitae</i> for Mate Mrvica
1004	Expert Report of Paul Carlson Relating to Infringement of Tarzana Enterprises, LLC, <i>SCA Tissue North America, LLC v. Tarzana Enterprises, LLC</i> , Civil Action No. 3:11-cv-00316-bbc (W.D. Wis. Feb. 10, 2012)
1005	SCA’s Identification of Claim Terms and Proposed Constructions, <i>SCA Hygiene Products AB et al. v. Tarzana Enterprises, LLC</i> , Civil Action No. 3:16-cv-00728-wmc (W.D. Wis. May 17, 2017)
1006	Tarzana’s Exchange of Terms and Proposed Constructions, <i>SCA Hygiene Products AB et al. v. Tarzana Enterprises, LLC</i> , Civil Action No. 3:16-cv-00728-wmc (W.D. Wis. May 17, 2017)
1007	Webster’s New World College Dictionary (4 th ed. 2004), definition of “offset”
1008	DK Illustrated Oxford Dictionary (1998), definition of “offset”
1009	Random House Webster’s Unabridged Dictionary (2 nd ed. 2001), definition of “offset”
1010	U.S. Patent No. 1,666,553 to Christman
1011	U.S. Patent No. 1,427,420 to Sargent
1012	U.S. Patent No. 1,632,446 to Krueger
1013	EP 0286538 B1 to Pigneul (“Pigneul”)
1014	EP 0302382 A1 to Lloyd
1015	U.S. Patent Application Publication No. 2005/0058807 (“Hochtritt”)
1016	U.S. Patent No. 5,736,224 to Dodge
1017	B.P.A.I. Decision on Appeal, Hochtritt prosecution history, Jan. 28, 2008
1018	U.S. Patent No. 7,611,765 (“the Hochtritt ‘765 patent”)
1019	U.S. Patent No. 7,939,159 (“the Hochtritt ‘159 patent”)

1020	Declaration of Paul Carlson (to SCA's Opposition to Tarzana's Motion for Summary Judgment), <i>SCA Tissue North America, LLC v. Tarzana Enterprises, LLC</i> , Civil Action No. 3:11-cv-00316-bbc, ECF No. 44 (W.D. Wis. Aug. 31, 2011)
1021	U.S. Patent No. 6,602,575 to Lefevre du Grosriez ("Grosriez")
1022	Response to Office Action, '159 Patent prosecution history, Dec. 17, 2010
1023	English translation and certification of EP 0286538 A1 to Pigneul
1024	Complaint, <i>SCA Hygiene Products AB et al. v. Tarzana Enterprises, LLC</i> , Civil Action No. 3:16-cv-00728-wmc, ECF No. 1 (W.D. Wis. Nov. 3, 2016)
1025	Return of Service, <i>SCA Hygiene Products AB et al. v. Tarzana Enterprises, LLC</i> , Civil Action No. 3:16-cv-00728-wmc, ECF No. 6 (W.D. Wis. Nov. 10, 2016), Service on Nov. 7, 2016
1026	Complaint, <i>SCA Hygiene Products Aktiebolag ("AB") et al. v. Cascades, Inc.</i> , Case No. 3:17-cv-00282-wmc, ECF No. 1 (W.D. Wis. Apr. 13, 2017)
1027	Return of Service, <i>SCA Hygiene Products Aktiebolag ("AB") et al. v. Cascades, Inc.</i> , Case No. 3:17-cv-00282-wmc, ECF No. 6 (W.D. Wis. July 5, 2017), Service on June 12, 2017
1028	U.S. Patent No. 9,320,372 to Formon
1029	Office Action, '761 Patent prosecution history, July 19, 2012
1030	<i>Intentionally omitted</i>
1031	<i>Intentionally omitted</i>
1032	Order on Tarzana's Motion for Summary Judgment, <i>SCA Tissue North America, LLC v. Tarzana Enterprises, LLC</i> , Civil Action No. 3:11-cv-00316-bbc, ECF No. 85 (W.D. Wis. Dec. 1, 2011)
1033	Response to Office Action, '765 Patent prosecution history, May 13, 2009
1034	Office Action, '372 Patent prosecution history, June 8, 2015
1035	Office Action, '372 Patent prosecution history, Sept. 18, 2015
1036	Response to Office Action, '372 Patent prosecution history, Sept. 4, 2015
1037	Response to Office Action, '372 Patent prosecution history, Dec. 16, 2015
1038	Declaration of Kara R. Fussner in Support of Motion for Admission <i>Pro Hac Vice</i>

Pursuant to 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response entered on August 17, 2017, (Paper No. 4) in this proceeding, Petitioners Cascades Canada ULC and Tarzana Enterprises, LLC respectfully request that the Patent Trial and Appeal Board admit Kara R. Fussner *pro hac vice* in this proceeding, IPR2017-01921. Petitioners have conferred with Patent Owner SCA Hygiene Products AB, and Patent Owner does not object to Petitioner's request.

STATEMENT OF FACTS

In accordance with 37 C.F.R. § 42.10(c),

[t]he 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.

Good cause exists for the Board to recognize Kara R. Fussner *pro hac vice* in this proceeding. Petitioner's lead counsel in this proceeding, Rudolph A. Telscher, Jr., is a registered practitioner with Reg. No. 36,032. Accompanying the instant motion is the Declaration of Kara R. Fussner (EX1038) attesting to the

Case IPR2017-01921
Patent No. 9,320,372

information required by “Order – Authorizing Motion for *Pro Hac Vice* Admission” in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case No. IPR2013-00639, Paper No. 7 (October 15, 2013). Ms. Fussner is an experienced litigation attorney (EX1038 at ¶¶ 1-2), including 15 years of predominantly patent infringement litigation experience, and has established familiarity with the subject matter at issue in this proceeding (*Id.* at ¶¶ 10-11).

Ms. Fussner attests to the remaining matters as set forth in Paper No. 7 of *Unified Patents* in paragraphs 3-9 of her Declaration. EX1038.

Additional facts constitute good cause to grant the instant motion. Lead Counsel in this proceeding has conflicting obligations in a five-week patent infringement trial that will occur during the cross-examination period for testimony to be used with Patent Owner’s Response to Petition. Backup counsel, Daisy Manning, also has conflicting litigation obligations that may present themselves during the pendency of the case. Ms. Fussner will support Lead and Backup Counsel as scheduling conflicts arise in this case.

DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Unopposed Motion for *Pro Hac Vice* Admission is accompanied by the required Declaration of Kara R. Fussner (EX1038).

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