

Filed on behalf of: Nichia Corp.

Paper _____

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

NICHIA CORP.,
Patent Owner.

Case IPR2018-00437
Patent 9,537,071

**PATENT OWNER'S MOTION FOR ADMISSION
PRO HAC VICE OF DEREK F. DAHLGREN**

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

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10 and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, mailed January 18, 2018 (Paper 4), Patent Owner Nichia Corp. (“Patent Owner”) requests that the Board admit Derek F. Dahlgren *pro hac vice* in this proceeding to serve as back-up counsel.

II. Statement of Facts Showing There is Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 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. § 42.10(c) indicates that, “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Derek F. Dahlgren *pro hac vice*

during this proceeding, so that he may participate in, *inter alia*, oral hearings, depositions, and conferences with the Board.

1. Lead counsel, Martin M. Zoltick, is a registered practitioner.
2. Counsel, Derek F. Dahlgren, is an experienced litigating attorney and

has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion is the Declaration of Derek F. Dahlgren in Support of Petitioner's Motion for Admission *Pro Hac Vice* ("Dahlgren Decl."). Mr.

Dahlgren is a member in good standing of the Bars of the District of Columbia and the State of Virginia (inactive), and is admitted to practice in the United States

District Court for the District of Columbia. Dahlgren Decl., ¶ 2. Mr. Dahlgren is also admitted to practice in the United States Court of Appeals for the Federal

Circuit. *Id.* Mr. Dahlgren served as a law clerk to then-Chief Judge Randall R.

Rader at the United States Court of Appeals for the Federal Circuit. *Id.* at ¶ 3.

Except for a one year period during his clerkship at the Federal Circuit, Mr.

Dahlgren has been litigating patent cases since 2010. *Id.* at ¶ 4. Prior to that, Mr.

Dahlgren served as a full-time law clerk working on various patent matters under the supervision of attorneys. *Id.*

3. Mr. Dahlgren is familiar with the subject matter at issue in this proceeding by virtue of his work on the various *Inter Partes* Review cases filed

against Patent Owner on U.S. Patent No. 9,537,071 and related patents. Dahlgren Decl., ¶ 11.

4. Mr. Dahlgren attests to each of the listed items required by the “Order -- Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639” referenced in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, mailed January 18, 2018 (Paper 4). *See* Dahlgren Decl., ¶¶ 1-11.

5. Mr. Dahlgren has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R. Dahlgren Decl., ¶ 8. Mr. Dahlgren 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. § 11.19(a) and to be subject to the USPTO Rules of Professional Conduct as set forth in Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013) (effective May 3, 2013). Dahlgren Decl., ¶ 9.

III. Conclusion

The requirements for admission *pro hac vice* being hereby established, Patent Owner Nichia Corp., respectfully requests that the Board admit Derek F. Dahlgren *pro hac vice* in this proceeding.

Respectfully submitted,

Date: April 16, 2018

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