

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

AQ TEXTILES, LLC,

Petitioner,

v.

ARUN AGARWAL,

Patent Owner.

Case PGR2017-00041

Patent 9,481,950

**PATENT OWNER'S UNOPPOSED MOTION TO APPEAR PRO
HAC VICE UNDER 37 C.F.R. § 42.10**

BY JAMAL M. EDWARDS PC AND AJAY K. MAGO

Respondent respectfully requests that the Board recognize Messrs. Jamal M. Edwards, P.C., and Ajay K. Mago as counsel *pro hac vice* during this proceeding.

I. TIME FOR FILING

This Motion for Pro Hac Vice Admission is being filed no sooner than twenty-one (21) days after service of the petition as required by the Order re NOTICE OF FILING DATE ACCORDED TO PETITION AND TIME FOR

FILING PATENT OWNER PRELIMINARY RESPONSE, entered August 8, 2017 (“the Initial Order”). (Paper #3).

II. STATEMENT OF FACTS

As required by the Initial Order, the following statement of facts shows that there is good cause for the Board to recognize each of Messrs. Edwards and Mago *pro hac vice*. Respondent addresses each attorney below, in turn.

A. Mr. Edwards

Mr. Edwards is a law partner of lead counsel and has an extensive professional working relationship with lead counsel spanning almost two (2) decades and involving multiple firms, including the undersigned law firm and Kirkland & Ellis LLP, where he was previously a partner. Edwards is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the country. He has experience in jury and bench patent trials, Markman hearings, and Federal Circuit oral arguments in patent infringement litigation matters, including cases dating as early as 2004. Early in his career, Mr. Edwards served as a judicial law clerk in a federal district court that hears a high volume of patent cases, the United States District Court for the Eastern District of Virginia, and

also to the now Chief Judge of the United States Court of Appeals for the Fourth Circuit, where he is a member in good standing of the appellate bar and successful advocate recognized by a favorable and unanimous published decision. He is also an experienced advocate and member of the bar of the United States Court of Appeals for the Federal Circuit, since at least 2007.

The parties to the proceeding have a broader and more extensive dispute amongst them, which has been pending since at least as early as 2015. The litigation dispute began when Respondent filed a complaint naming Petitioner and others as Respondents before the United States International Trade Commission, Investigation No. 337-TA-976 (hereafter, the “ITC Investigation”), alleging the unlawful importation into the United States, the sale for importation into the United States and/or the sale within the United States after importation, of woven textile fabrics and products containing the same that infringe United States Patent No. 9,131,790 (“the ’790 patent”) and/or falsely advertise the thread count of such products. Respondent thereafter filed a civil action against Petitioner in the United States District Court for the Eastern District of Texas, Marshall Division, styled as *AAVN, Inc. v. AQ Textiles, LLC*; Case No. 2:15-cv-01527, alleging infringement of

the '790 Patent. (the "Texas Patent Case"). These actions collectively shall be referred to as the "'790 Patent Litigation").

The '790 Patent Litigation was settled pursuant to a Confidential Settlement Agreement and a General Exclusion Order entered by the ITC. Recent conduct by Petitioner has raised questions regarding whether Petitioner has violated the terms of the parties' settlement agreement. At issue in the analysis of this issue are Petitioner's post-settlement conduct, including its commercial and intellectual property activities, many of which involve or relate to the subject matter of this Petition. Respondent has asked Mr. Edwards to assist and strategically coordinate a resolution of the multiple issues and disputes between the parties, thereby requiring him to become intimately familiar with Respondent's technology, products and processes, including several of Respondent's patents, including U.S. Patent No. 9,481,950 ('950 Patent), at issue in this proceeding. As such, Mr. Edwards has reviewed the '950 patent, the instant petition, and has been actively working on matters involving several related patents, which Respondent is evaluating and anticipates may become involved in the broader dispute between the parties.

Specifically, Mr. Edwards has reviewed prior art references and claim charts for invalidity contentions, and has been involved in forming preliminary claim construction positions and other strategic matters, all of which are relied upon by Respondent in preparing its responsive activities regarding the Petition and other matters germane to the dispute between the parties. These activities center on the same subject matter at issue in the instant petition. Respondent has, accordingly, expended significant financial resources in the matters, including with Mr. Edwards as counsel, and Respondent wishes to continue using him as counsel in this proceeding.

B. Mr. Mago

Mr. Mago is also a law partner of lead counsel, and has an extensive professional working relationship spanning almost fifteen (15) years and involving multiple firms, including the undersigned law firm and Duane Morris LLP, where he was previously a partner. Early in his career, Mr. Mago served as judicial law clerk in the Federal District Court in the Northern District of Texas. As noted above, the parties are engaged in an on-going dispute which spans several years and several tribunals. Mr. Mago has represented Respondent throughout all those proceedings and prior, including having actively participated in the ITC Investigation and the Texas Patent

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