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571-272-7822

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMI PORTA OPCO, LLC
Petitioner,

v.

WOODFOLD MANUFACTURING, INC.
Patent Owner

Case PGR2018-00096
Patent 9,879,471

Before PAULA CONN, *Trial Paralegal*

**PATENT OWNER'S UNOPPOSED MOTION
FOR *PRO HAC VICE* ADMISSION FOR
NICHOLAS (NIKA) F. ALDRICH, JR.**

Pursuant to 37 C.F.R. § 42.10, and the Board's September 11, 2018, Notice (Paper 3) authorizing the parties to file motions for *pro hac vice* admission, Patent Owner requests that the Board admit Nicholas (Nika) F. Aldrich, Jr., *pro hac vice* in this proceeding as back-up counsel. Counsel for Petitioner has informed the undersigned that Petitioner does not oppose this motion.

The Board may recognize counsel *pro hac vice* during a proceeding on a showing of good cause. “[W]here 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).

Here, lead counsel, Steven J. Prewitt, is a registered practitioner (Reg. No. 45,023). Mr. Aldrich is an experienced patent litigator at the same firm. As stated in Mr. Aldrich's declaration supporting this motion (“Declaration of Nika Aldrich in Support of Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission for Nicholas F. Aldrich,” Exhibit 2001), Mr. Aldrich has established familiarity with the subject matter at issue in this proceeding. Mr. Aldrich is trial counsel and is involved with the day-to-day handling of the underlying patent litigation in the United States District Court for the Northern District of Illinois (Civ. No. 1:18-cv-03984) concerning the patent at issue in this proceeding. As such, Mr. Aldrich has

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developed an in-depth understanding of the subject matter at issue in this proceeding.

In view of Mr. Aldrich's extensive knowledge of the precise subject matter at issue in this proceeding, Patent Owner has a substantial need for Mr. Aldrich's *pro hac vice* admission and his involvement in the continued defense of this proceeding. Admission of Mr. Aldrich *pro hac vice* will enable Patent Owner to avoid unnecessary expense and duplication of work between this proceeding and work already done for the district court litigation. See 77 Fed. Reg. 157 (Aug. 14, 2012), at 48661 (Office's comment on final rule discussing concerns about efficiency and costs where an entity has already engaged counsel for parallel district court litigation).

Additionally, this motion and Mr. Aldrich's Declaration meet the other requirements for *pro hac vice* admission set out in IPR2013-00639. Mr. Aldrich is a member in good standing of the State Bars of Oregon, Washington and New York, as well as several federal court bars; he has never been suspended or sanctioned; and he has read and will comply with the Office's and Board's Rules and Guides governing this proceeding. Mr. Aldrich has been admitted *pro hac vice* in the following *Inter Partes* Review proceedings before the Board within the last three years: IPR2016-01679, IPR2016-01680, IPR2017-00651, IPR2017-00789, and IPR2017-01051. Other than the aforementioned IPR proceedings, and the

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immediate motion, Mr. Aldrich has not sought to appear *pro hac vice* in any other proceeding before the Office in the last three years.

It is respectfully submitted that these facts establish good cause to recognize Mr. Aldrich in this proceeding. Accordingly, Patent Owner respectfully requests that the Board admit Mr. Aldrich *pro hac vice* in this proceeding.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Date: October 3, 2018

By: /Steven J. Prewitt /
Steven J. Prewitt
Reg. No.: 45,023

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the 3rd day of October, 2018, a complete and entire copy of this **PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION FOR NICHOLAS (NIKA) F. ALDRICH, JR.** was provided via electronic mail to the Petitioner's known representatives at the e-mail addresses noted below:

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Respectfully submitted,
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By: /Steven J. Prewitt/
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