

**AFFIDAVIT OF MR. LUKE L. DAUCHOT IN SUPPORT OF
MOTION FOR PRO HAC VICE ADMISSION**

I, Luke L. Dauchot, being duly sworn and upon oath, hereby attests to the following:

1. I am a member in good standing of the Bar of California, Ohio, and Illinois, as well as the following Federal Courts:

U.S. Court of Appeals, Federal Circuit; U.S. Court of Appeals, Sixth, Seventh and Eleventh Circuits; U.S. District Court, Northern, Eastern, Central and Southern Districts of California; U.S. District Court, District of Colorado; U.S. District Court Northern District of Ohio; U.S. District Court Northern District of Illinois; and Trial Bar, U.S. District Court Northern District of Illinois.

2. I have not been suspended or disbarred from practice before any court or administrative body;

3. I have never had an application for admission to practice before any court or administrative body denied;

4. No sanction or contempt citation has been imposed against me by any court or administrative body;

5. I have 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 the C.F.R.;

6. I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

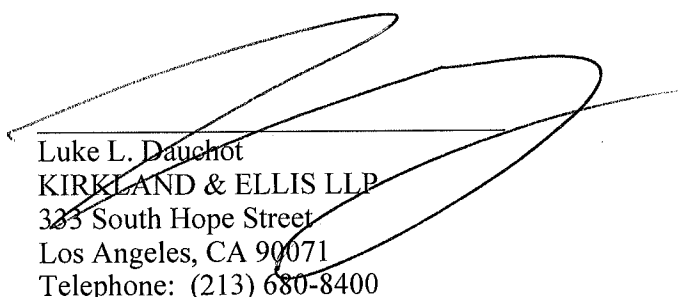
7. I have not applied to appear *pro hac vice* before the Office in any other proceeding in the last three (3) years; and

8. I am an experienced litigation attorney, with experience in numerous lawsuits involving patent infringement in District Courts across the country, including experience in jury and bench trials, Markman hearings, and Federal Circuit oral arguments in patent infringement litigation. In

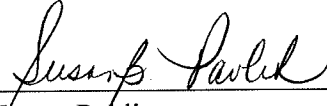
particular, I have represented Patent Owner Warsaw as lead counsel in multiple patent infringement cases. My biography is attached hereto as Exhibit A. I am lead counsel for Warsaw in the co-pending litigation in which U.S. Patent No. 8,251,977 is asserted against NuVasive, Inc. I am familiar with the subject matter at issue in this proceeding, including the prior art on which Petitioner relies in its request. Several prior art references cited by the Petitioner were at issue in *Medtronic v. NuVasive*, Case No. 3:08-cv-01512-MMA-AJB, a separate patent infringement litigation involving overlapping subject matter in which I was lead counsel.

Respectfully Submitted,

Dated: April 23rd, 2013


Luke L. Dauchot
KIRKLAND & ELLIS LLP
323 South Hope Street
Los Angeles, CA 90071
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Sworn to and subscribed before me,
this 23rd day of April, 2013.



Notary Public

My Commission Expires: 2/25/2017

