

**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 attest 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 37 C.F.R.;

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6. I will 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);

7. I have applied to appear *pro hac vice* in the following proceedings before the Office in the last three (3) years:

NuVasive, Inc. v. Warsaw Orthopedic, Inc., IPR2013-00206 (granted on May 15, 2013, Paper 10)

NuVasive, Inc. v. Warsaw Orthopedic, Inc., IPR2013-00208 (granted on May 15, 2013, Paper 10);

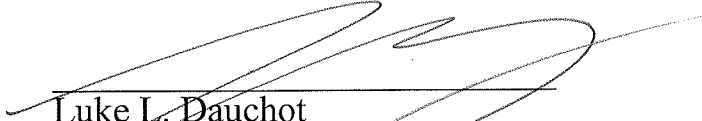
NuVasive, Inc. v. Warsaw Orthopedic, Inc., IPR2013-00395 (filed concurrently herewith); and

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. 8,444,696 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.

Respectfully Submitted,

Dated: February 11, 2014



Luke L. Dauchot
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, CA 90071
Telephone: (213) 680-8400

Sworn to and subscribed before me,
this 11th day of February, 2014.

Mary Beth Lopez
Notary Public

My Commission Expires:

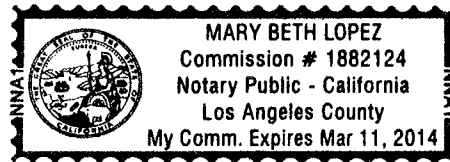


EXHIBIT A



Partner, Intellectual Property and Litigation

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Education

Case Western Reserve University
School of Law; J.D., 1986

Case Western Reserve University;
B.A., 1983

- *magna cum laude*
- Phi Beta Kappa

Admissions/Qualifications

2004, California

1988, Ohio

1986, Illinois

Luke L. Dauchot, P.C.

Luke is a trial lawyer who focuses his practice on intellectual property and complex commercial cases. Admitted to practice in California, Illinois, and Ohio, Luke has tried numerous patent infringement and commercial cases in venues throughout the country. Luke was distinguished as one of *The Best Lawyers in America* for 2013 and 2014 in the fields of litigation - intellectual property and litigation - patent. In addition, he has been recognized by *The American Lawyer* as one of Kirkland's first-chair IP trial lawyers, by *Law360* as one of its patent litigation "MVPs," and by one of California's leading legal journals as among California's top-75 IP attorneys. Luke has obtained multiple defense and some of the country's highest patent plaintiff's verdicts, including a \$226 million Massachusetts jury award, a California jury verdict in the amount of \$70 million, and another California jury verdict in the amount of \$101.2 million. Admitted to practice before a number of appellate courts including the United States Court of Appeals for the Federal Circuit, Luke has also briefed and argued cases on appeal.

Clients have called on Luke's litigation and trial skills in disputes involving a wide range of technical areas. A substantial part of Luke's practice focuses on medical device matters, including cardiovascular and orthopedic devices, instruments, and methods. His work in this area has led to recognition by publications such as *The American Lawyer*, *Corporate Counsel*, *The Daily Journal*, *Managing Intellectual Property*, *IP Law360*, *Southern California Super Lawyers* and *The Los Angeles Business Journal*.

Representative Matters

Wi-Lan Inc. v. Apple, Inc.

United States District Court for the Eastern District of Texas

- As trial counsel for Apple, Inc, obtained a complete defense victory. Wi-LAN sought \$250 million in damages from Apple and enhancement based on alleged willfulness. After a one-week trial, a jury returned a verdict of no infringement and found Wi-LAN's patent invalid after less than 2 hours of deliberations.
- Case was listed in *Law 360*, "Apple Beats Wi-LAN at Wireless Patent Trial," 10/2013; Bloomberg, "Apple Wins Patent-Infringement Trial Against Wi-Lan," 10/2013; PC World, "Apple wins in patent infringement trial against Wi-LAN," and other publications.

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