

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NORMAN INTERNATIONAL, INC.  
Petitioner

v.

HUNTER DOUGLAS, INC.  
Patent Owner

Case No. IPR2014-01175  
U.S. Patent No. 6,968,884

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**UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION**

**UNDER 37 C.F.R. § 42.10**

In the Notice of Filing Date According to Petitioner (“Notice”) mailed August 12, 2014, the Board authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). The Notice requires that such motions be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7 (“Order”).

Patent Owner Hunter Douglas, Inc. (“Patent Owner”) hereby respectfully requests that the Board recognize Mr. Fredrick L. Whitmer as counsel *pro hac vice* during this proceeding. This Motion is not opposed by Petitioner.

### **1. Time for Filing**

This Motion for *Pro Hac Vice* admission is filed no sooner than twenty-one (21) days after service of the petition, as required by the Order.

### **2. Statement of Facts**

The following statement of facts shows that there exists good cause for the Board to recognize Mr. Whitmer *pro hac vice*.

Mr. Whitmer is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the country. Mr. Whitmer has experience in jury and bench trials, *Markman* hearings, and Federal Circuit oral arguments in patent infringement litigation. Mr.

Whitmer’s biography is attached hereto as an attachment to his declaration (Exhibit 2004).

U.S. Patent No. 6,968,884 is currently asserted against Petitioner Norman International, Inc. in *Hunter Douglas, Inc. et al. v. Nien Made Enterprise Co. Ltd. et al.*, No. 1:13-cv-01412-MSK-MJW (D. Colo.) (the “co-pending litigation”). Mr. Whitmer is counsel for Hunter Douglas, Inc. in the co-pending litigation, and as such, has an established familiarity with the subject matter at issue in this proceeding. In the co-pending proceeding, Mr. Whitmer has reviewed prior art, developed validity arguments, developed claim construction arguments, filed and responded to motions regarding personal jurisdiction, stay, and scheduling. Patent Owner has expending significant financial resources in the co-pending litigation with Mr. Whitmer as counsel, and Patent Owner wishes to continue using Mr. Whitmer as counsel in this proceeding.

Further, Counsel for Petitioner does not oppose Mr. Whitmer appearing *pro hac vice* during this proceeding.

### **3. Affidavit or Declaration of Individual Seeking to Appear**

This Motion for *Pro Hac Vice* Admission is accompanied by the declaration of Mr. Fredrick L. Whitmer (Exhibit 2004), as required by the Order.

Date: September 24, 2015

Respectfully submitted,

*s/Kristopher L. Reed*

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Kristopher L. Reed

Reg. No. 58694

Kilpatrick Townsend & Stockton LLP

1400 Wewatta Street, Suite 600

Denver, Colorado 80202

kreed@kilpatricktownsend.com

*Lead Counsel for Patent Owner*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10 was served September 24, 2015 via electronic service:

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| Bing Ai<br>Perkins Coie LLP<br>11988 El Camino Real, Suite 350<br>San Diego, California 92130<br><br>Email: ai@perkinscoie.com<br>norman-hd-ipr@perkinscoie.com | Kourtney Mueller Merrill<br>Perkins Coie LLP<br>1900 16 <sup>th</sup> St., Suite 1400<br>Denver, Colorado 80202<br><br>Email: kmerrill@perkinscoie.com |
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Dated: September 24, 2015

*s/Kristopher L. Reed*

Kristopher L. Reed  
Registration No. 58694  
Counsel for Patent Owner

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