

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NORMAN INTERNATIONAL, INC.
Petitioner

v.

HUNTER DOUGLAS, INC.
Patent Owner

Case IPR2014-01175
Patent 6,968,884

GAUDETTE, *Administrative Patent Judge.*

DECISION
Petitioner's Unopposed Motion for
Pro Hac Vice Admission of Douglas L. Sawyer
37 C.F.R. § 42.10

On September 28, 2015, Norman International, Inc. (“Petitioner”) filed an Unopposed Motion for *Pro Hac Vice* Admission of Douglas L. Sawyer (Paper 24, “Motion”), together with Mr. Sawyer’s Declaration in support thereof (Ex. 1015¹). For the reasons provided below, the Motion is *granted*.

Before discussing the merits of Petitioner’s Motion, it is noted that the Motion includes an updated exhibit list which was not filed as a separate document. *See* Paper 24, 1–2. “[C]ombined documents are not permitted.” 37 C.F.R. §42.6(a)(3). Petitioner must file the updated exhibit list as a separate paper in accordance with the requirements of 37 C.F.R. §42.6.

As set forth in 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel is a registered practitioner. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “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). In authorizing motions for *pro hac vice* admission, we also require a statement of facts showing there is good cause for us to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in this proceeding. *See* Paper 5 at 2 (referencing the “Order—Authorizing Motion for *Pro Hac Vice* Admission” in *Unified Patents*).

Petitioner’s lead counsel, Bing Ai, is a registered practitioner. Paper 2. Petitioner states that there is good cause for the Board to recognize Mr. Sawyer *pro*

¹ Exhibit 1015 is titled “Affidavit of Douglas L. Sawyer,” but is in the form of a declaration. *See* 37 C.F.R. § 1.68.

hac vice, because Mr. Sawyer is: (1) experienced in litigating patent cases; and (2) familiar with the subject matter at issue in this proceeding by virtue of the fact that he is lead counsel for Petitioner in the co-pending litigation, *Hunter Douglas, Inc. v. Nien Made Enterprise Co., Ltd.*, Case No. 1:13-cv-01412-MSK-MJW (D. Colo.), involving the challenged patent in this proceeding. Paper 24, 3–4. Petitioner provides facts in support of these contentions (*see id.*), and Mr. Sawyer attests to these facts in his Declaration (*see* Ex. 1015).

Mr. Sawyer testifies that he has more than thirteen years of experience representing clients in patent cases, and has “represented clients in many phases of litigation including discovery, Markman hearings, jury trials, and appeals.” Ex. 1015 ¶ 8. Mr. Sawyer testifies that , by virtue of his involvement as lead counsel in the co-pending litigation, he is “familiar with the technologies, specific designs and issued claims in the 884 Patent.” *Id.* at ¶ 10. Mr. Sawyer further testifies that “he is familiar with the prior art references cited” in the present *inter partes* review. *Id.* Mr. Sawyer also testifies that he previously applied for and was granted *pro hac vice* admission to appear before the Board in IPR2014-00283. *Id.* at ¶ 7.

Based on the facts set forth above, we conclude Mr. Sawyer has sufficient legal and technical qualifications to represent Petitioner in this proceeding. Accordingly, Petitioner has established good cause for Mr. Sawyer’s *pro hac vice* admission. Mr. Sawyer will be permitted to appear *pro hac vice* in the instant proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the forgoing reasons, it is

ORDERED that Petitioner’s Unopposed Motion for *Pro Hac Vice*

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Admission of Mr. Sawyer for this proceeding is GRANTED;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Sawyer is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Section 37 of the C.F.R., and to be subject to the Office's Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a); and

FURTHER ORDERED that Petitioner file its updated exhibit list as a separate paper in accordance with the requirements of 37 C.F.R. §42.6.

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