

Filed on behalf of Innovative Display Technologies LLC
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K.J. PRETECH CO., LTD.,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Case IPR2015-01868
U.S. Patent No. 7,434,974

***PRO HAC VICE* MOTION TO ADMIT ATTORNEY
T. WILLIAM KENNEDY PURSUANT TO 37 C.F.R. § 42.10(c)**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450

Patent Owner Innovative Display Technologies LLC (“IDT”) hereby files this motion pursuant to 37 C.F.R. § 42.10(c) for T. William Kennedy to appear *pro hac vice* on its behalf before the Patent Trial and Appeal Board in IPR2015-01868. This motion follows the guidelines set forth in IPR2013-00639, Paper 7, entered October 15, 2013.

This motion is filed concurrently with nearly identical motions in IPR2015-01866 and -01867, all of which are set for oral argument together on January 10, 2017.

A. Lead Counsel is a Registered Practitioner.

IDT has already designated a registered practitioner, Justin B. Kimble (reg. no. 58,591) as lead counsel, and IDT has also designated T. William Kennedy as its back-up counsel, pending the Board granting this motion.

B. There is Good Cause for the Board to Recognize T. William Kennedy *pro hac vice* during this proceeding.

Mr. Kennedy is a patent litigator with over ten years’ experience, including significant experience in the area of patent validity. In the many patent litigations in which he has been counsel, he was worked extensively on issues relating to 35 U.S.C. §§ 102, 103, and 112 challenges to patent validity including things such as working closely with experts on validity and invalidity reports, preparing invalidity arguments for trial, developing invalidity and validity arguments, and reviewing and

analyzing numerous prosecution histories and prior art references. Mr. Kennedy has also spent significant time learning the procedure of *inter partes* review since its inception.

Mr. Kennedy currently represents the Patent Owner Innovative Display Technologies LLC, in its assertion of the patent at issue in this proceeding and its related patents in numerous cases resolved in the Eastern District of Texas and pending in the District of Delaware. *See, e.g., Delaware Display Group LLC et al. v. LG Electronics, Inc. et al.*, No. 1:13-cv-02109 (D. Del., filed Dec. 31, 2013); *see also Delaware Display Group LLC et al. v. VIZIO Inc., et al.*, No. 1:13-cv-02112 (D. Del., filed Dec. 31, 2013). As counsel in those actions, Mr. Kennedy has become very familiar with the subject matter at issue in this proceeding, *i.e.*, light emitting panel assemblies. Moreover, during the course of those lawsuits, Mr. Kennedy has analyzed the prior art involved in this petition as it relates to the patent-at-issue as well as its related patents, all of which concern light emitting panel assemblies. Furthermore, in those lawsuits Mr. Kennedy has developed infringement allegations that assert the patent-at-issue in this petition against various light emitting panel assemblies, including those found in smart phones, tablets, laptop computers, and televisions to name a few. In his role as counsel in those litigations, Mr. Kennedy has spent significant time learning the technology involved in light emitting panel assemblies such as those found in the patent-at-issue in this proceeding.

As of this date, there are 60 total IPRs covering the patent-at-issue and its related patents. Mr. Kennedy has reviewed and analyzed each of those matters.

C. Mr. Kennedy has Submitted Herewith a Declaration¹ Attesting the Following Facts.

1. Mr. Kennedy is a member in good standing of the Texas State Bar.
2. Mr. Kennedy has never been subject to any suspensions or disbarments from practice before any court or administrative body.
3. None of Mr. Kennedy's applications for admission to practice before any court or administrative body has ever been denied.
4. Mr. Kennedy has never been sanctioned nor had contempt citations imposed by any court or administrative body.
5. Mr. Kennedy has 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.
6. Mr. Kennedy 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. During the past three years, Mr. Kennedy has applied to appear *pro hac vice* before the PTAB in nine other proceedings, three of which have

¹ See Declaration of T. William Kennedy, attached hereto as Exhibit 2010.

been granted, two of which involved IPRs that were joined with those for which Mr. Kennedy's *pro hac vice* motion had been already granted, and the remainder of which remain pending. All nine of the *pro hac vice* motions involve the same or related parties as this proceeding and also involve the same or similar subject matter:

- i. IPR2014-01096 (*granted*);
- ii. IPR2014-01097 (*pending*);
- iii. IPR2014-01362 (*pending*);
- iv. IPR2015-00487 (*granted*);
- v. IPR2015-00506 (*granted*);
- vi. IPR2015-01666 (*joined with IPR2015-00506 above*);
- vii. IPR2015-01717 (*joined with IPR2015-00487 above*);
- viii. IPR2015-01866 (*pending, filed concurrently herewith*); and
- ix. IPR2015-01867 (*pending, filed concurrently herewith*).

Mr. Kennedy has not applied to appear *pro hac vice* in any other proceeding before the PTAB.

8. Mr. Kennedy has familiarity with the subject matter at issue in the proceeding as set forth in Section B above.

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