

Filed on behalf of: Nichia Corp.

Paper _____

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Date filed: February 21, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO INC.,
Petitioner,

v.

NICHIA CORP.,
Patent Owner.

Case IPR2018-00386
Patent 9,490,411

**PATENT OWNER'S MOTION FOR ADMISSION
PRO HAC VICE OF ROBERT P. PARKER**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10 and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, mailed December 28, 2017 (Paper 3), Patent Owner Nichia Corp. (“Patent Owner”) requests that the Board admit Robert P. Parker *pro hac vice* in this proceeding to serve as back-up counsel.

II. Statement of Facts Showing There is Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 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 be a registered practitioner and to any other conditions as the Board may impose. § 42.10(c) indicates that, “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Robert P. Parker *pro hac vice* during this proceeding, so that he may participate in, *inter alia*, oral hearings, depositions, and conferences with the Board.

1. Lead counsel, Martin M. Zoltick, is a registered practitioner.
2. Counsel, Robert P. Parker, is an experienced litigating attorney and

has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion is the Declaration of Robert P. Parker in Support of Patent Owner's Motion for Admission *Pro Hac Vice* ("Parker Decl."). Mr. Parker is a member in good standing of the Bar of the District of Columbia, admitted to practice in the United States District Courts for the District of Columbia and Maryland and other federal district courts. Parker Decl., ¶ 2. Mr. Parker is also admitted to practice in the United States Court of Appeals for the Federal Circuit.

Id. Mr. Parker has been litigating patent cases in the International Trade Commission and in district courts since 1993. *Id.* at ¶ 3.

3. Mr. Parker is familiar with the subject matter at issue in this proceeding. He is lead counsel for Patent Owner in a pending lawsuit involving the patent at issue in this proceeding. *Nichia Corp. v. Lowe's Home Centers, LLC*, Case No. 2:16-cv-01455-JRG (E.D. Tex.). Parker Decl., ¶ 10. Mr. Parker was also lead trial and appellate counsel for Patent Owner in a previous lawsuit involving related U.S. Patent No. 8,530,250, *Nichia Corp. v. Everlight Electronics Co., Ltd. et al.*, Case No. 2:13-cv-702-JRG (E.D. Tex.), *affirmed*, Nos. 16-1585 & 16-1618 (Fed. Cir.). *Id.*

4. Mr. Parker attests to each of the listed items required by the “Order -- Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639” referenced in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, mailed December 28, 2017 (Paper 3). *See* Parker Decl., ¶¶ 1-10.

5. Mr. Parker has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R. Parker Decl., ¶ 7. Mr. Parker agrees to 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) and to be subject to the USPTO Rules of Professional Conduct as set forth in Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013) (effective May 3, 2013). Parker Decl., ¶ 8.

III. Conclusion

The requirements for admission *pro hac vice* being hereby established, Patent Owner Nichia Corp., respectfully requests that the Board admit Robert P. Parker *pro hac vice* in this proceeding.

Respectfully submitted,

Date: February 21, 2018

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