

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

NICHIA CORP.,
Patent Owner.

Cases¹

IPR2018-00386 (Patent 9,490,411)

IPR2018-00437 (Patent 9,537,071)

Before SALLY C. MEDLEY, WILLIAM V. SAINDON, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

ORDER

Decision on Motion for Admission
Pro Hac Vice of DEREK F. DAHLGREN
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each case. Therefore, we exercise our discretion to issue one paper to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2018-00386 (Patent 9,490,411)

IPR2018-00437 (Patent 9,537,071)

Patent Owner filed a motion for *pro hac vice* admission of Derek F. Dahlgren in each of these proceedings. Paper 10.² Each motion is supported by a declaration of Mr. Dahlgren. Paper 11.³ Petitioner has not filed an opposition to these motions. The Board has reviewed the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Dahlgren *pro hac vice*.

Patent Owner provides Powers of Attorney for all practitioners associated with Customer Number 06449. Paper 5. Mr. Dahlgren, however, is not associated with Customer Number 06449. Accordingly, Patent Owner must submit a Power of Attorney for Mr. Dahlgren in accordance with 37 C.F.R. § 42.10(b), and must update its mandatory notices as required by 37 C.F.R. § 42.8(b)(3).

ORDER

It is, therefore,

ORDERED that Patent Owner's Motions for *Pro Hac Vice* Admission of Derek F. Dahlgren are *granted*, and Mr. Dahlgren is authorized to represent Patent Owner only as back-up counsel in the instant proceedings;

FURTHER ORDERED that, within seven (7) business days of the date of this Order, Patent Owner must submit a Power of Attorney for Mr. Dahlgren in accordance with 37 C.F.R. § 42.10(b);

² Paper numbers refer to IPR2018-00386.

³ Patent Owner filed the Declaration as a paper (Paper 11) in the Patent Trial and Appeal Board End to End (PTAB E2E) system. The parties are reminded that affidavits and declarations must be filed as exhibits so that they may be referenced individually by exhibit number. *See* 37 C.F.R. § 42.63.

IPR2018-00386 (Patent 9,490,411)

IPR2018-00437 (Patent 9,537,071)

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Mr. Dahlgren as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the instant proceeding;

FURTHER ORDERED that Mr. Dahlgren 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 Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Dahlgren is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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