

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD.,
Petitioner,

v.

SOLAS OLED, LTD.,
Patent Owner.

Case No. IPR2020-00320
U.S. Patent No. 7,446,338

**PETITIONER'S UNOPPOSED MOTION FOR ADMISSION
PRO HAC VICE OF JEFFREY H. LERNER UNDER 37 C.F.R. § 42.10**

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10, and in accordance with the Board's Order, Paper No. 7 in Case IPR2013-00639, and the Notice of Filing Date Accorded to Petition (Paper No. 5), Petitioner requests that the Board admit Jeffrey H. Lerner *pro hac vice* in this proceeding. Counsel for Patent Owner has informed the undersigned that Patent Owner does not oppose this motion.

II. Statement of Facts

37 C.F.R. § 42.10(c) states that 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. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts, supported by the attached Declaration of Jeffrey H. Lerner in Support of Petitioner's Motion for Admission *Pro Hac Vice* (Ex. 1022, “Lerner Decl.”), establish good cause to admit Mr. Lerner *pro hac vice* in this proceeding.

Lead counsel, David A. Garr, is a registered practitioner.

Counsel, Jeffrey H. Lerner, is an experienced litigation attorney with sixteen years in private law practice and has substantial experience with patent litigation.

Lerner Decl. at ¶ 9. Mr. Lerner has been counsel in more than twenty patent infringement matters, including cases pending in various district courts. *Id.* Mr. Lerner has experience with fact and expert discovery, trials, appeals, dispositive motions, and *Markman* hearings. *Id.*

Mr. Lerner is a member in good standing of the District of Columbia Bar. *Id.* at ¶ 2. He has no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations. *Id.* at ¶¶ 3–5.

Mr. Lerner has familiarity with the subject matter and patent at issue in this proceeding, U.S. Patent No. 7,446,338 (“the ’338 Patent”), including its prosecution history and the scientific field to which the ’338 Patent is addressed. Lerner Decl. at ¶ 10. In particular, Mr. Lerner has been advising the Petitioner throughout the instant IPR proceeding, and has thereby developed a thorough understanding of the ’338 Patent, the relevant art, and scientific field. *Id.* Mr. Lerner is also familiar with the U.S. Patents and subject matter at issue in related proceedings IPR2020-00140 and IPR2019-01668, *id.*, and Petitioner is requesting that the Board admit Mr. Lerner *pro hac vice* in those proceedings as well.

Mr. Lerner has read and will comply with the Office Patent Trial Guide and the Board’s Rules of Practices for Trials set forth in Part 42 of Title 37, C.F.R., and he 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). *Id.*

at ¶¶ 6–7. Mr. Lerner has not applied to appear *pro hac vice* in any other proceeding before the Office within the last three (3) years. *Id.* at ¶ 8.

III. Analysis

The facts contained in the Statement of Facts above, and contained in the Lerner Declaration, establish that there is good cause to admit Mr. Lerner *pro hac vice* in this proceeding, under 37 C.F.R. § 42.10. Lead counsel is a registered practitioner, Mr. Lerner is an experienced litigation attorney, and Mr. Lerner has an established familiarity with the subject matter at issue in this proceeding.

IV. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board admit Jeffrey H. Lerner *pro hac vice* in this proceeding.

Date: August 20, 2020

Respectfully submitted,

By: /David A. Garr/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above document was served on August 20, 2020, by filing this document through the Patent Trial and Appeal Board End to End System as well as delivering a copy via electronic mail upon the following attorneys of record for the Patent Owner:

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