

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and NINTENDO OF AMERICA, INC.,
Petitioner

v.

POLARIS POWERLED TECHNOLOGIES, LLC,
Patent Owner

Case No. IPR2023-00778
U.S. Patent No. 8,223,117 B2

**PETITIONER’S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF DENA CHEN UNDER 37 C.F.R. § 42.10(c)**

Petitioner Nintendo Co., Ltd. and Nintendo of America, Inc. respectfully request that the Board recognize Dena Chen, Esq., as counsel *pro hac vice* during this proceeding. Patent Owner's counsel do not oppose this Motion.

BACKGROUND

Petitioner's Motion for *Pro Hac Vice* Admission is being filed in compliance with and pursuant to the Order—Authorizing Motion for *Pro Hac Vice* Admission in Case No. IPR2013-00639 [“the Order”], and pursuant to the Board's advanced authorization expressed in the Board's Notice of Filing Date Accorded and time for Filing Patent Owner's Preliminary Response dated April 20, 2023 (Paper No. 6).

STATEMENT OF FACTS

As required by the Order, the following statement of facts shows that there is good cause for the Board to recognize Ms. Chen *pro hac vice*.

Ms. Chen is an experienced litigation attorney and has been involved in numerous complex litigations in state and federal courts. Ms. Chen's biography is attached hereto as Exhibit 1038 to this Motion.

Ms. Chen has reviewed U.S. Patent No. 8,223,117 and the petition already filed in this proceeding. Further, Ms. Chen is counsel for Nintendo Co., Ltd. and Nintendo of America, Inc. in the pending litigation between the parties involving U.S. Patent No. 8,223,117 before the U.S. District Court for the Western District of Washington entitled *Polaris PowerLED Techs., LLC v. Nintendo Co*, Case No. 2:22-

cv-00386-JLR, and, as such, is familiar with the subject matter at issue in this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Ms. Chen as counsel *pro hac vice* during this proceeding.

DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

Petitioner's Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Dena Chen attached hereto as Exhibit 1039 as required by the Order.

Dated: October 30, 2023

Respectfully submitted,

COOLEY LLP
ATTN: Patent Group
1299 Pennsylvania Avenue NW
Suite 700
Washington, DC 20004
Tel: (650) 843-5677
Fax: (650) 849-7400

By: / Matthew J. Brigham /
Matthew J. Brigham
Reg. No. 44,047
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Section 42.6, that a complete copy of the attached **PETITIONER'S UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION OF DENA CHEN** and related documents are being served via electronic mail on the 30th day of October 2023 upon Patent Owner's counsel of record in this proceeding as follows:

Russell S. Tonkovich
rtonkovich@krameralberti.com
David Alberti
dalberti@krameralberti.com
Sal Lim
slim@krameralberti.com
KRAMER ALBERTI LIM & TONKOVICH LLP

Jason A. Fitzsimmons
jfitzsimmons-PTAB@sternekessler.com
Michael D. Specht
Mspecht-PTAB@sternekessler.com
Richard M. Bemben
Rbemben-PTAB@sternekessler.com
PTAB@sternekessler.com
STERNE, KESSLER, GOLDSTEIN & FOX PLLC

DATED: October 30, 2023

/Matthew J. Brigham/
Matthew J. Brigham
Reg. No. 44,047