UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

FIRST SOLAR, INC.,
Petitioner

v.

ROVSHAN SADE,
Patent Owner

---

Case **IPR2023-00827**
U.S. Patent No. 9,057,546
Title: Solar Tracker

---

**PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION OF SUSAN FREYA OLIVE, PRO HAC VICE, AS BACKUP COUNSEL**

Patent Owner respectfully moves the admission of Susan Freya Olive, pro hac vice, as his backup counsel in this proceeding. Counsel for Petitioner has been consulted and has authorized counsel for Patent Owner to report that Petitioner does not oppose the motion.

In support of his motion, Patent Owner sets out the following.

Ms. Olive's involvement is sought because of her familiarity not only with the subject matter in general, but with the specific subject matter of the patents at issue and of the associated art, and because she is an accomplished patent litigator.

Ms. Olive is currently lead counsel for Patent Owner in each of seven lawsuits alleging infringement of the patent that is the subject of the instant petition. The defendants in those lawsuits are represented by the same counsel who presently appear as counsel for Petitioner. In each of the pending lawsuits, the defendants have raised defenses of invalidity and in each of the lawsuits, the defendants have cited the instant Petition as support for their positions, although they are not the Petitioner. In at least five of the pending lawsuits, "First Solar, Inc." is listed as a party having a financial interest in the outcome of the proceedings.

In addition to the obvious benefits of having his lead litigation counsel representing Patent Owner as backup counsel herein, Ms. Olive's background and her compliance with the Rules fully meet the requirements of the Office. They are

detailed in her accompanying declaration (filed herewith as Exhibit 2001), but briefly:

- She is an attorney who was first admitted to practice before the Supreme Court of North Carolina in 1976 and has been continuously in good standing with the State Bar of North Carolina since that time, with no judicial or administrative discipline or sanctions of any kind imposed by any entity.
- She has not appeared pro hac vice in any proceeding before the Office during the last three years but is concurrently seeking admission in a co-pending Proceeding filed by the same Petitioner involving a related patent owned by the same Patent Owner: IPR2023-00881.
- She has practiced in the intellectual property law firm of Olive & Olive, P.A. (where lead counsel for Patent Owner is employed) for over forty years, working on matters involving patents in a wide range of fields during that time. She is the firm's managing attorney and heads its litigation team.
- Technologically relevant to this proceeding, Ms. Olive is knowledgeable in the fields of engineering and solar technology. She is not only familiar with the patent at issue but has been involved in prior matters involving solar technology, power generation and power capture, and patents in those fields.
- From a litigation perspective, she is admitted to practice before all state and federal courts seated in North Carolina. For federal appeals, she is admitted

among other courts to the bars of the United States Court of Appeals for the Federal Circuit and the United States Supreme Court, and has been counsel in cases before both those courts. Her expertise specifically in the field of patent litigation is recognized in the federal district courts of North Carolina, where she has served for many years and still serves, by judicial appointment, on the local patent rules committee of both the United States District Court for the Eastern District of North Carolina and the United States District Court for the Middle District of North Carolina.

WHEREFORE, it is respectfully requested that this Motion be allowed and that Ms. Olive be admitted to practice before the Office with respect to this matter, pro hac vice, as backup counsel.

Respectfully submitted this 11th day of August, 2023.

**Counsel for Patent Owner**

/s/ Charles Edison Smith
Charles Edison Smith
(Reg. No. 26647)
OLIVE & OLIVE, P.A.
500 Memorial Street
P.O. Box 2049
Durham, NC 27702
Telephone: 919-683-5514
Facsimile: 919-688-3781
Email:
csmith@oliveandolive.com
emailboxPatent@oliveandolive.com

## Certificate of Service

The undersigned certifies that the foregoing document and its attached exhibit (Declaration of Susan Freya Olive) has been served this date on counsel for Petitioner via email, as consented, at the following email addresses:

Michael J. McNamara - MMcNamara@mintz.com

Gregory J. Penoyer – GJPenoyer@mintz.com

This 11th day of August, 2023.

/s/ Charles Edison Smith
Charles Edison Smith, Reg. #2664