UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIANYANG BOE OPTOELECTRONICS TECHNOLOGY CO., LTD.;
WUHAN CHINA STAR OPTOELECTRONICS SEMICONDUCTOR DISPLAY TECHNOLOGY CO., LTD.; TIANMA MICROELECTRONICS CO., LTD.;
AND VISIONOX TECHNOLOGY, INC.,
Petitioner,

v.

SAMSUNG DISPLAY CO., LTD.
Patent Owner.

Case IPR2023-01075
U.S. Patent No. 11,594,578

PATENT OWNER'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, the Notice of Filing Date Accorded to Petition (Paper No. 6), and in accordance with the "Order -- Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Patent Owner requests that the Board admit Jeffrey H. Lerner *pro hac vice* in this proceeding. Counsel for Petitioner has informed the undersigned that Petitioner does not oppose this motion.

II. Analysis

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 Patent Owner's Motion for Admission *Pro Hac Vice* (Ex. 2008, "Lerner Decl."), establish good cause to admit Mr. Lerner *pro hac vice* in this proceeding.

Lead counsel, David A. Garr, and Backup counsel, Scott C. Weidenfeller, are registered practitioners.

Counsel, Jeffrey H. Lerner, is an experienced litigation attorney with more than nineteen years in private law practice and has substantial experience with patent litigation. Lerner Decl. ¶ 9. Mr. Lerner has been counsel in more than thirty patent infringement matters, including cases in various district courts and the International Trade Commission. *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.* ¶ 2. He has no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations. *Id.* ¶¶ 3–5.

Mr. Lerner has familiarity with the subject matter and patent at issue in this proceeding, U.S. Patent No. 11,594,578 ("the '578 Patent"), including its prosecution history and the scientific field to which the '578 Patent is addressed. Lerner Decl. ¶ 10. In particular, Mr. Lerner has been advising the Patent Owner in parallel litigation concerning the '578 Patent pending in the United States International Trade Commission, Inv. No. 337-TA-1351, and has thereby developed a thorough understanding of the '578 Patent, the relevant art, and scientific field. *Id.*

Mr. Lerner has read and will comply with the Office's Trial Practice Guide and the Board's Rules of Practice for Trials set forth in Part 42 of Title 37, C.F.R., and he agrees to be subject to the Office's 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*. ¶¶ 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*. ¶ 8.

The facts as recited 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. and the "Order -- Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7 (Oct. 15, 2013), and Petitioner does not oppose Mr. Lerner's admission.

III. Conclusion

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

Date: March 12, 2024

Respectfully submitted,

By / David A. Garr/
David A. Garr
Registration No.: 74,932
Scott C. Weidenfeller
Registration No.: 54,531
Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Patent Owner's Unopposed Motion for Admission *Pro Hac Vice* of Jeffrey H. Lerner was served by electronic mail on the following counsel of record for petitioner:

K. Patrick Herman (P52PTABDocket@orrick.com)
Richard F. Martinelli (RFMPTABDocket@orrick.com)
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Date: March 12, 2024

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