

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HANWHA SOLUTIONS CORPORATION,

Petitioner,

v.

MAXEON SOLAR PTE. LTD.,

Patent Owner.

Case No. IPR2024-01203

U.S. Patent No. 8,222,516

**PETITIONER'S NOTICE OF INTENT TO DESIGNATE
MARK D. SELWYN, A PROVISIONALLY RECOGNIZED PTAB
ATTORNEY, AS BACK-UP COUNSEL PURSUANT TO 37 C.F.R. § 42.10(c)**

I. STATEMENT OF RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.10(c)(2), Petitioner Hanwha Solutions Corporation respectfully submits this Notice of Intent to Designate Mark D. Selwyn, a Provisionally Recognized PTAB Attorney, as Back-up Counsel for Petitioner in this proceeding, Case No. IPR2024-01203.¹ Petitioner has conferred with counsel for Patent Owner, and Patent Owner does not oppose Mark D. Selwyn serving as back-up counsel in this proceeding.

II. APPLICABLE RULES

Pursuant to 37 C.F.R. § 42.10(c)(2), “[a]ny counsel who is not a registered practitioner, who has been previously recognized *pro hac vice* in a Board proceeding, and who has not subsequently been denied permission to appear *pro hac vice* in a Board proceeding shall be considered a provisionally recognized PTAB attorney.” “If a party seeks to be represented in a proceeding by a provisionally

¹ Petitioner is concurrently filing a Notice of Intent to Designate Mark D. Selwyn, a Provisionally Recognized PTAB Attorney, as Back-up Counsel for Petitioner in the following related proceedings, Case Nos. IPR2024-01198 and IPR2024-01199. *See* Petitioner’s Updated Mandatory Notices, IPR2024-01203, Paper 16 at 3 (identifying related IPR proceedings).

recognized PTAB attorney, that party may file a notice of intent to designate a provisionally recognized PTAB attorney as back-up counsel.” *Id.* at § 42.10(c)(2)(ii). The notice should (i) “[i]dentify a registered practitioner who will serve as lead counsel,” and (ii) “[b]e accompanied by a certification in the form of a declaration or affidavit in which the provisionally recognized PTAB attorney attests to satisfying all requirements set forth by the Board for pro hac vice recognition of a provisionally recognized PTAB attorney and agrees to be subject to the USPTO Rules of Professional Conduct set forth in §§ 11.101 et seq. of this chapter and disciplinary jurisdiction under § 11.19(a) of this chapter.” *Id.*

III. FACTS DEMONSTRATING MARK D. SELWYN IS A PROVISIONALLY RECOGNIZED PTAB ATTORNEY

On August 8, 2024, Petitioner filed a petition for inter partes review in IPR2024-01203 directed to U.S. Patent No. 8,222,516. Petitioner’s lead counsel, David Cavanaugh, is a registered practitioner (Registration No. 36,476). Mark D. Selwyn, a partner at Wilmer Cutler Pickering Hale and Dorr LLP, seeks *pro hac vice* admission in this proceeding.

Mark D. Selwyn was recognized *pro hac vice* by order of the Board, pursuant to motion of the type described in 36 C.F.R. §42.10(c)(1), in *Hanwha Solutions Corporation v. REC Solar Pte. Ltd.*, Case No. IPR2021-00988; and *Hanwha Solutions Corporation v. REC Solar Pte. Ltd.*, Case No. IPR2021-00989. *See*

Decision Granting Petitioner's Motions for Pro Hac Vice Admission of Mark D. Selwyn 37 C.F.R. § 42.10, Case Nos. IPR2021-00988 & IPR2021-00989, Paper 21 (Mar. 10, 2022). Filed herewith is a certification in the form of a declaration (Ex.1070) in which Mr. Selwyn attests to satisfying all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

Respectfully submitted,

By: /David L. Cavanaugh/
David L. Cavanaugh
Registration No. 36,476

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that, on April 24, 2025, I caused a true and correct copy of the following materials:

- Petitioner's Notice of Intent to Designate Mark D. Selwyn, a Provisionally Recognized PTAB Attorney, as Back-Up Counsel Pursuant to 37 C.F.R. § 42.10(c)
- Petitioner's Updated Table of Exhibits
- Exhibit 1070

to be served on Patent Owner via electronic mail to:

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Petitioner’s Table of Exhibits

No.	Description
1001	U.S. Patent No. 8,222,516 B2 (“USP516”)
1002	File History for U.S. Patent No. 8,222,516 B2 (App. No. 12/070,742) (“FH516”)
1003	Declaration of Dr. Zachary Holman Regarding U.S. Patent No. 8,222,516 B2
1004	EP1732142A1 to Froitzheim (“Froitzheim”)
1005	Gan and Swanson, <i>Polysilicon Emitters for Silicon Concentrator Solar Cells</i> , <i>IEEE Conference on Photovoltaic Specialists</i> , Vol. 1, Pages 245-240 (1990) (“Gan”)
1006	WO 2009/094575 A2 (“Borden-575”)
1007	U.S. Patent No. 6,998,288 to Smith (“Smith”)
1008	CN 1949545A to Li (Translation) (“Li”)
1009	Translation Declaration for Li
1010	Zachary C. Holman, <i>Electron Transport in Amorphous Silicon</i> (May 2005) (Thesis Presented to The Division of Mathematics and Natural Sciences, Reed College) (“Holman-Thesis”)
1011	U.S. Provisional Appl. No. 61/023,354 (“Borden-Provisional”)
1012	U.S. Patent App. Pub. No. 2006/0157103 (“Sheats”)
1013	Declaration of June Munford
1014	Complaint for Patent Infringement, <i>Maxeon Solar Pte. Ltd. v. Hanwha Solutions Corp., et al.</i> , Civil Action No. 2:24-cv-262 (E.D. Tex. Apr. 19, 2024), ECF No. 1 (“Complaint”)
1015	U.S. Patent No. 7,468,485 to Swanson (“Swanson”)
1016	R. J. Komp, <i>Practical Photovoltaics Electricity From Solar Cells</i> , 3rd Ed. (2002) (“Komp”)
1017	BP Solar Global Marketing, BP-MSX-120, 120-Watt Multicrystalline Photovoltaic Module (“BP-MSX-120”)
1018	J. Nelson, <i>The Physics of Solar Cells</i> , Imperial College Press (2003) (“Nelson”)
1019	T. Krygowski, A. Rohatgi, D. Ruby, <i>Simultaneous P and B Diffusion, In-Situ Surface Passivation, Impurity Filtering and Gettering for High-Frequency Silicon Solar Cells</i> , SAND-97-2620C; CONF-970953- (“Krygowski”)

No.	Description
1020	A. Luque, S. Hegedus, <i>Handbook of Photovoltaic Science and Engineering</i> , Wiley (2003) (“Luque”)
1021	J. Gordon, <i>Solar Energy the State of the Art</i> , ISES (2001) (“Gordon”)
1022	U.S. Patent No. 6,262,359 to Meier (“Meier”)
1023	U.S. Patent No. 4,525,593 to Yablonovitch (“Yablonovitch”)
1024	WO 2009/094578 A2 (“Borden-578”)
1025	U.S. Patent No. 4,665,277 to Sah (“Sah”)
1026	D. Chapin et al., <i>A New Silicon P-N Junction Photocell for Converting Solar Radiation into Electrical Power</i> , J. Appl. Phys. 25, 676 (1954) (“Chapin”)
1027	W. Shockley, H. J. Queisser, <i>Detailed Balance Limit of Efficiency of pn Junction Solar Cells</i> , J. Appl. Phys. 32, 510 (1961) (“Shockley”)
1028	A. Metz, R. Meyer, B. Kuhlmann, M. Grauvogl, R. Hezel, <i>18.5% Efficient First-Generation MIS Inversion-Layer Silicon Solar Cells</i> , 26th PVSC (1997) (“Metz”)
1029	D. De Ceuster, P. Cousins, D. Rose, D. Vicente, P. Tipones, W. Mulligan, <i>Low Cost, High Volume Production of >22% efficiency silicon solar cells</i> , 22nd European Photovoltaic Solar Energy Conference, 3-7 September 2007, Milan, Italy, pp. 816-819 (“De-Ceuster”)
1030	J. Benick, J. Rentsch, Ch. Schetter, C. Voyer, D. Biro, R. Preu, <i>PECVD PSG as a Dopant Source for Industrial Solar Cells</i> , Presented at the 21st European Photovoltaic Solar Energy Conference, September 4-8, 2006, Dresden (2CV.4.26) (“Benick”)
1031	JP07-106611 to Okayasu (Translation) (“Okayasu”)
1032	Translation Declaration for Okayasu
1033	Robert F. Pierret, <i>Semiconductor Device Fundamentals</i> , Addison Wesley Longman (Part I) (1996) (“Pierret”)
1034	A. I. A. Rahim, C. D. Marsh, P. Ashburn, G. R. Booker, <i>Impact of Ex-Situ and In-Situ Cleans on the Performance of Bipolar Transistors With Low Thermal Budget In-Situ Phosphorus-Doped Polysilicon Emitter Contacts</i> , IEEE

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No.	Description
	TRANSACTIONS ON ELECTRON DEVICES, VOL. 48, NO. 11 (November 2001) (“Rahim”)
1035	N. S. Parekh, R. V. Taylor, D. O. Massetti, <i>A Simple Method to Control Bipolar Polysilicon Emitter Interfacial Oxide</i> , J. Electrochem. Soc., Vol. 141, No. 11, pp. 3167-3172 (1994) (“Parekh”)
1036	E. Yablonovitch, T. Gmitter, R. M. Swanson, Y. H. Kwark, <i>A 720 mV open circuit voltage SiO_x:c-Si:SiO_x double heterostructure solar cell</i> , Appl. Phys. Lett. 47, 1211–1213 (1985) (“Yablonovitch-1985”)
1037	U.S. Patent No. 8,878,053 B2 (“USP053”)
1038	File History for U.S. Patent No. 8,878,053 B2 (App. No. 13/495,577) (“FH053”)
1039	File History of U.S. Patent App. No. 14/504,771 (“771FH”)
1040	Reserved
1041	Reserved
1042	U.S. Patent Appl. Pub. No. 2002/0142500 A1 (“Foglietti”)
1043	Mark John Kerr, <i>Surface, Emitter and Bulk Recombination in Silicon and Development of Silicon Nitride Passivated Solar Cells</i> (2002) (Ph.D. Thesis, The Australian National University) (“Kerr”)
1044	Reserved
1045	M. Green, <i>Silicon Solar Cells Advanced Principles & Practice</i> , Centre for Photovoltaic Devices and Systems (1995) (“Green-1995”)
1046	Y. H. Kwark, R. M. Swanson, <i>N-Type Sipos and Poly-Silicon Emitters</i> , Solid-State Electronics Vol. 30, No. 11, pp. 1121-1125 (1987) (“Kwark”)
1047	G. R. Wolstenholme, N. Jorgensen, P. Ashburn, G. R. Booker, <i>An investigation of the thermal stability of the interfacial oxide in polycrystalline silicon emitter bipolar transistors by comparing device results with high-resolution electron microscopy observations</i> , J. Appl. Phys. 61, 225–233 (1987) (“Wolstenholme”)
1048	Reserved

No.	Description
1049	M. Green, <i>Solar Cells Operating Principles Technology and System Applications</i> (1986) (“Green-1986”)
1050	N. G. Tarr, <i>A polysilicon emitter solar cell</i> , IEEE Electron Device Letters, vol. 6, no. 12, pp. 655-658, Dec. 1985 (“Tarr”)
1051	R. M. Swanson, <i>Point Contact Solar Cells: Modeling and Experiment</i> , Solar Cells, 17, pp. 85-118 (1986) (“Swanson-1986”)
1052	Reserved
1053	Reserved
1054	U.S. Patent No. 7,144,751 to Gee (“Gee”)
1055	Reserved
1056	WO 2006/097303 A1 (“Agostinelli”)
1057	Reserved
1058	R. M. Swanson, R. A. Sinton, <i>High-Efficiency Silicon Solar Cells, Advances in Solar Energy: An Annual Review of Research and Development</i> , vol. 6. Chapter 4 (1990) (“Swanson-1990”)
1059	G. Lubberts, B. C. Burkey, F. Moser, E. A. Trabka, <i>Optical properties of phosphorus-doped polycrystalline silicon layers</i> , J. Appl. Phys. 52(11), (Nov. 1981) (“Lubberts”)
1060	U.S. Patent No. 6,352,876 to Bordogna (“Bordogna”)
1061	E. Centurioni, D. Iencinella, R. Rizzoli, F. Zignani, <i>Silicon Heterojunction Solar Cell: A New Buffer Layer Concept With Low-Temperature Epitaxial Silicon</i> , IEEE Transactions on Electron Devices, Vol. 51, No. 11 (November 2004) (“Centurioni”)
1062	M. Farrokh-Baroughi, H. El-Gohary, S. Sivoththaman, <i>Optical, Electrical, and Structural Properties of PECVD Quasi Epitaxial Phosphorous Doped Silicon Films on Crystalline Silicon Substrate</i> , Canadian Solar Buildings Conference (August 20-24, 2004) (“Farrokh-Baroughi”)
1063	A. Hauser, G. Hahn, M. Spiegel, H. Feist, O. Breitenstein, J.P. Rakotoniaina, P. Fath, E. Bucher, <i>Comparison of Different Techniques for Edge Isolation</i> , 17th European

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No.	Description
	Photovoltaic Solar Energy Conference (October 2001) (“Hauser”)
1064	Reserved
1065	U.S. Patent No. 7,071,018 to Mason (“Mason”)
1066	U.S. Patent No. 4,748,130 to Wenham (“Wenham”)
1067	Email chain between Counsel and Trial Board, dated December 11-12, 2024
1068	Plaintiff Maxeon Solar Pte. Ltd.’s Disclosure of Asserted Claims and Infringement Contentions, <i>Maxeon Solar Pte. Ltd. v. Hanwha Solutions Corp., et al.</i> , Civil Action No. 2:24-cv- 262 (E.D. Tex. Nov. 21, 2024)
1069	Docket Control Order, <i>Maxeon Solar Pte. Ltd. v. Hanwha Solutions Corp., et al.</i> , Civil Action No. 2:24-cv- 262 (E.D. Tex. Nov. 25, 2024), ECF No. 33
1070	Declaration of Mark D. Selwyn in Support of Petitioner’s Notice of Intent to Designate Mark D. Selwyn, a Provisionally Recognized PTAB Attorney, as Back-Up Counsel Pursuant to 37 C.F.R. § 42.10(c)