

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ESSELTE CORPORATION, ESSELTE AB, AND ESSELTE LEITZ
GMBH & CO. KG.,
Petitioner,

v.

DYMO B.V.B.A.,
Patent Owner.

Case No. 2015-00766
Patent 7,990,567 B2

**PETITIONER'S MOTION FOR *PRO HAC VICE*
ADMISSION OF ROBERT FREDERICKSON III**

I. Requested Relief

Pursuant to 37 C.F.R. § 42.10(c), and in accordance with the Board’s Notice of Filing Date Accorded to Petition (Paper No. 3), Petitioner respectfully requests the *pro hac vice* admission of Robert Frederickson III in this proceeding, IPR2015-00766, Patent No. 7,990,567 (the ‘567 Patent). Counsel for Patent Owner does not oppose Mr. Frederickson’s appearing *pro hac vice* in this proceeding.

II. Statement of Facts

As required by the “Order – Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, the following statement of facts shows that there is good cause for the Board to recognize Mr. Frederickson *pro hac vice*. An affidavit by Mr. Frederickson, containing the required statements and information is submitted herewith. (Ex. 1008).

1. Petitioner’s lead counsel, Douglas J. Kline, is a registered practitioner (Reg. No. 35,574).

2. Petitioner’s backup counsel, Charles H. Sanders (Reg. No. 47,053) has left Goodwin Procter LLP and has withdrawn from this proceeding. In addition, Petitioner’s backup counsel, Sumedha Ahuja (Reg. No. 73,038), is leaving Goodwin Procter LLP and intends to seek authorization to withdraw from this

proceeding. Mr. Frederickson is a partner with Goodwin Procter LLP and will assume Mr. Sanders' role in this proceeding.

3. Petitioner's other backup counsel, Jay C. Chiu, is also a registered practitioner (Reg. Nos. 47,308).

4. Mr. Frederickson is an experienced litigating attorney. Mr. Frederickson has been practicing law since 2007 and focuses his practice in the area of patent litigation. Mr. Frederickson's experience in patent litigation matters includes litigating all aspects of patent law issues before trial courts and the U.S. Court of Appeals for the Federal Circuit.

5. Mr. Frederickson has an established familiarity with the subject matter at issue in this proceeding. Specifically, Mr. Frederickson represents Petitioner in the district court litigation where Patent Owner has asserted the '567 patent against Petitioner, *Sanford L.P. (d/b/a DYMO) et al. v. Esselte AB, et al.*, Civil Action No. 1:14cv-07616-VSB (S.D.N.Y.). Mr. Frederickson has been responsible for the technical issues relating to the parties' claims and defenses relating to the '567 patent, including claim construction. Mr. Frederickson has reviewed the Petition, the Patent Owner's Preliminary Response, the Board's institution decision, and the other papers associated with this proceeding.

6. Mr. Frederickson is a member in good standing of the Commonwealth of Massachusetts. Mr. Frederickson has never been suspended or disbarred from practice before any court or administrative body. No application of Mr. Frederickson for admission to practice before any court or administrative body has ever been denied. No sanctions or contempt citations have been imposed against Mr. Frederickson by any court or Administrative Body.

7. Mr. Frederickson has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.

8. Mr. Frederickson understands that he will be subject to the USPTO Code 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).

9. Mr. Frederickson is concurrently applying for *pro hac vice* admission in the related proceedings involving the same Petitioner and Patent Owner: IPR2015-00781 (U.S. Patent No. 6,890,113), IPR2015-00771 (U.S. Patent No. 7,140,791), and IPR2015-00779 (U.S. Patent No. 6,152,623). Mr. Frederickson has not previously applied for *pro hac vice* admission, nor has he been admitted, to any other proceeding before the Board within the last three (3) years.

10. This motion was filed no sooner than 21 days after service of the Petition in this proceeding, which occurred on February 19, 2015.

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board admit Robert Frederickson III *pro hac vice* in this proceeding.

Dated: October 15, 2015

By: /Douglas J. Kline/

Douglas J. Kline

Reg. No. 35,574

GOODWIN PROCTER LLP

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Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petitioner's Motion for *Pro Hac Vice* Admission of Robert Frederickson III was served on October 15, 2015 via email, to the Patent Owner by serving the correspondence email addresses of record as follows:

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Dated: October 15, 2015

By: /Douglas J. Kline/
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