

Filed on behalf of LifeScan Scotland Ltd.

Paper No. _____

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHARMATECH SOLUTIONS, INC.
Petitioner

v.

LIFESCAN SCOTLAND LTD.
Patent Owner

Case IPR2013-00247
Patent 7,250,105

**MOTION FOR *PRO HAC VICE* ADMISSION
OF KATHLEEN M. CROTTY, ESQ. PURSUANT TO 37 C.F.R. § 42.10**

I. Relief Requested

The Patent Owner respectfully requests that the Board admit Ms. Kathleen M. Crotty as counsel *pro hac vice* for the above-captioned proceeding in accordance with 37 C.F.R. § 42.10.

II. Timing of Motion

This Motion for *pro hac vice* admission is being filed no sooner than twenty one (21) days after service of the petition as required by the Order Authorizing Motion for *Pro Hac Vice* entered April 17, 2013.

III. Statement of Facts

Both lead and back-up counsel in the above-captioned proceeding, Dianne B. Elderkin and Steven D. Maslowski, are registered practitioners before the USPTO.

The facts, supported by the attached Declaration of Kathleen M. Crotty in Support of Motion for Admission *Pro Hac Vice* (Exhibit A), establish good cause to admit Ms. Crotty *pro hac vice* in this proceeding.

Ms. Crotty is an experienced litigating attorney. Ms. Crotty has been a litigating attorney for more than 15 years. She is currently counsel at Patterson Belknap, where she litigates cases involving pharmaceutical, medical device, and

industrial products. Ms. Crotty has represented both plaintiffs and defendants in all aspects of patent litigation in district court, as well as prosecuted and defended patent infringement appeals in the Court of Appeals for the Federal Circuit. *See* Exhibit A. In addition, she advises clients on potential infringement and validity issues as well as contractual issues. Ms. Crotty also litigates trademark infringement actions and counsels clients regarding false advertising claims. *See* Exhibit A.

Ms. Crotty graduated from New York University School of Law (J.D., 1997). Prior to law school, Ms. Crotty earned her B.A. from Lehigh University (1988) and M.S. in Statistics from Pennsylvania State University (1990). *See* Exhibit A.

Ms. Crotty has familiarity with the subject matter at issue in this proceeding based on her work as counsel in the co-pending district court case, *Lifescan, Inc. v. Shasta Techs., LLC*, 5:11-CV-04494-EJD (N.D. Cal), which involves the same patent at issue in this proceeding. *See* Exhibit A. Ms. Crotty has been actively involved in many aspects of the co-pending district court case, including issues related to validity of the patents-in-suit. *See* Exhibit A. As such, she is very familiar with the subject matter at issue in this proceeding.

IV. Affidavit or Declaration of Individuals Seeking to Appear

This motion for *Pro Hac Vice* Admission is accompanied by the attached Declaration of Kathleen M. Crotty (Exhibit A) as required by the Notice of Filing Date Accorded to Petition entered April 17, 2013. In her Declaration, she states compliance with the general requirements for *pro hac vice* admission including that she is a member in good standing of the Bar of the State of New York; she has never been suspended or disbarred from practice before any court or administrative body; she has never had a court or administrative body deny her application for admission to practice; she has never had sanctions or contempt citations imposed on her by any court or administrative body; she 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 the C.F.R.; she agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a); and she has not applied to appear *pro hac vice* before the USPTO in the last three (3) years. *See* Exhibit A.

V. Conclusion

In light of the foregoing, Patent Owner respectfully requests that the Board admit Kathleen M. Crotty *pro hac vice* in this proceeding.

Respectfully submitted,

Date: July 1, 2013

/Dianne B. Elderkin/
Dianne B. Elderkin
Registration No. 28,598
Counsel for Patent Owner

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