

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 (SCM)
Patent 7,250,105 B1

Before SALLY C. MEDLEY, SCOTT R. BOALICK, and SCOTT E. KAMHOLZ,
Administrative Patent Judges.

KAMHOLZ, *Administrative Patent Judge.*

DECISION
Motions for *Pro Hac Vice* Admission
37 C.F.R. § 42.10

LifeScan Scotland Ltd. (“LifeScan”) filed motions for *pro hac vice* admission of Gregory L. Diskant (Paper 7) and Kathleen M. Crotty (Paper 8). The motions are unopposed. The motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac*

vice during a proceeding upon a showing of good cause. In authorizing motions for *pro hac vice*, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in this proceeding. “Notice”; Paper 4.

In its motions, LifeScan states that there is good cause for the Board to recognize Mr. Diskant and Ms. Crotty *pro hac vice* during this proceeding, because they are experienced litigating attorneys with an established familiarity with the subject matter at issue in the proceeding. Paper 7, 2-3; Paper 8, 2-3. In addition, the motions state that Mr. Diskant and Ms. Crotty are counsel in co-pending litigation involving the same patent. Paper 7, 3; Paper 8, 3. Mr. Diskant and Ms. Crotty each made a declaration attesting to, and explaining, these facts. Paper 7, Exhibit A; Paper 8, Exhibit A.* Each declaration complies with the requirements set forth in the Notice.

Upon consideration, LifeScan has demonstrated that Mr. Diskant and Ms. Crotty have sufficient legal and technical qualifications to represent LifeScan in this proceeding. Moreover, the Board recognizes that there is a need for LifeScan to have related litigation counsel involved in this proceeding. Accordingly, LifeScan has also established that there is good cause for admitting Mr. Diskant and Ms. Crotty.

* Patent Owner is reminded that each of its exhibits must be uniquely numbered sequentially in the range 2001-2999 and must be appropriately labeled. See 37 C.F.R. § 42.63.

IPR2013-00247
Patent 7,250,105 B1

Attention is directed to the Office's Final Rule adopting new Rules of Professional Conduct. *See Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013).* The Final Rule also removes Part 10 of Title 37, Code of Federal Regulations. The changes set forth in that Final Rule including the USPTO's Rules of Professional Conduct took effect on May 3, 2013. Therefore, Mr. Diskant and Ms. Crotty are subject to the USPTO's Rules of Professional Conduct that took effect May 3, 2013.

It is

ORDERED that the LifeScan motion for *pro hac vice* admission of Gregory L. Diskant and Kathleen M. Crotty for this proceeding is *granted*;

FURTHER ORDERED that LifeScan is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Diskant and Ms. Crotty are to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Diskant and Ms. Crotty are subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

IPR2013-00247
Patent 7,250,105 B1

FOR PETITIONER:

William A. Rudy
A. Justin Poplin
Patent Docketing
LATHROP & GAGE LLP
patent@lathropgage.com

FOR PATENT OWNER:

Dianne B. Elderkin
Steven Maslowski
AKIN GUMP STRAUSS HAUER
& FELD LLP
delderkin@akingump.com
smaslowski@akingump.com

Gregory L. Diskant
Kathleen M. Crotty
PATTERSON BELKNAP WEBB &
TYLER, LLP
1133 Avenue of the Americas
New York, NY 10036