

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.
Petitioner

v.

NUVASIVE, INC.
Patent Owner

Case IPR2013-00506
Patent No. 8,361,156

**PATENT OWNER NUVASIVE, INC.'S
MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), the Patent Owner (“NuVasive”) respectfully requests that the Board recognize Michael A. Amon as counsel *pro hac vice* in this proceeding. NuVasive seeks the counsel of Mr. Amon due to his experience in representing NuVasive in other patent-related matters and particularly due to his familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on August 23, 2013.

Statement of Facts

Mr. Amon is a patent litigation attorney with nearly 10 years of experience representing clients in cases involving medical devices, computer software, chemical formulations and electrical products. Mr. Amon regularly litigates patent cases before the United States Court of Appeals for the Federal Circuit and various federal district courts. Through his practice in such cases, Mr. Amon has gained substantial experience in jury trials, discovery, Markman hearings, and appeals. Mr. Amon began his legal career as a clerk for the Honorable James F. Stiven at the United States District Court for the Southern District of California. Mr. Amon subsequently serves as a clerk for Honorable Rudi M. Brewster, also at the United States District Court for the Southern District of California, where he was involved

in numerous patent cases. NuVasive provides Exhibit A, as evidence, Mr. Amon's biography.

Mr. Amon also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding. In two related matters, Mr. Amon is serving as counsel for NuVasive. The first of these related matters, *Warsaw Orthopedic, Inc., et al. v. Nuvasive, Inc.*, Case No. 3:12-cv-02738-CAB (MDD) (S.D. Cal.) is currently pending in district court, which granted Patent Owner's motion for leave to amend the complaint to add U.S. Patent No. 8,444,696 to the case. In addition, there is another earlier-filed related case, which was litigated in the district court and is currently on appeal to the Federal Circuit Court of Appeals, involving related U.S. Patent Nos. 5,772,661 and 5,860,973, *Warsaw Orthopedic, Inc., et al. v. Nuvasive, Inc.*, Case No. 3:08-cv-01512-MMA-AJB (S.D. Cal.). In this case, Mr. Amon is involved in the Federal Circuit appeal on the matter. NuVasive has invested significant financial resources in each of these related matters in which Mr. Amon served as counsel. Moreover, through his representation in the related matters, NuVasive has developed a particular relationship with Mr. Amon such that NuVasive desires to continue the relationship with Mr. Amon for the purpose of this proceeding.

1. Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Mr. Amon as required by the Order Authorizing Motion for *Pro Hac Vice* mailed August 23, 2013.

Accordingly, NuVasive submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Mr. Amon as counsel *pro hac vice* during this proceeding.

Respectfully submitted,

Date: April 23, 2014

/Michael T. Hawkins/
Michael T. Hawkins
Reg. No. 57,867
Counsel for Petitioner

Customer Number 26171
Fish & Richardson P.C.
Telephone: (612) 337-2508
Facsimile: (612) 288-9696

