

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC. and MEDTRONIC VASCULAR, INC.
Petitioner

v.

ENDOTACH LLC
Patent Owner

Case IPR2014-00100
Patent 5,593,417

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* AMISSION OF
JONATHAN T. SUDER**

Pursuant to 37 C.F.R. § 42.10(c), the Patent Owner seeks *pro hac vice* admission of Jonathan T. Suder as backup counsel in this *inter partes* review. The Board's November 6, 2013 Notice (Paper 3) authorized the filing of this motion.

This motion satisfies the requirements of 37 C.F.R. § 42.10(c). In particular, lead counsel for the Patent Owner is a registered patent attorney, and there is good cause to admit Mr. Suder as *pro hac vice* backup counsel for the Patent Owner.

Exhibit 2001, which accompanies this motion, is a declaration by Mr. Suder explaining that he satisfies all of the criteria for *pro hac vice* admission, as set forth in *Motorola Mobility LLC v. Arnouse*, IPR2013-00010 (MPT), Paper 6 (Oct. 15, 2012). In particular, this motion is being filed no sooner than 21 days after service of the petition for *inter partes* review, and Mr. Suder is a member in good standing of at least the State Bar of Texas, has never been suspended or disbarred, has never had an application for admission denied, has never been sanctioned or cited for contempt, has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rule of Practice for Trials set for in part 42 of the Code of Federal Regulations, submits to be subject to the PTO's code of professional responsibility and disciplinary jurisdiction, has not appeared *pro hac vice* in any other PTO proceedings in the last three years, and has an established familiarity with the subject matter of this review as a result of having been lead counsel for

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the Patent Owner in three patent infringement lawsuits of the patent under review: *Endotach LLC v. Medtronic, Inc. and Medtronic Vascular, Inc.*, Civil Action No. 5:13-cv-3292, pending in the Northern District of California, San Jose Division; *Endotach LLC v. Cook Medical Incorporated*, Civil Action No. 1:13-cv-1135, pending in the Southern District of Indiana, Indianapolis Division; and *Endotach LLC v. W.L. Gore & Associates, Inc.*, Civil Action No. 3:12-cv-00308, filed in the Northern District of Florida, Pensacola Division but which has been resolved.

For the foregoing reasons, the Patent Owner respectfully requests that the Board admit Mr. Suder *pro hac vice* in this *inter partes* review.

Respectfully submitted,

Date: 2013 Nov. 22

By: /M.C. Phillips/

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Registration No. 43,403

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CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of November, 2013, a true and correct copy of the foregoing PATENT OWNER'S MOTION FOR PRO HAC VICE AMISSION OF JONATHAN T. SUDER, including all exhibits and other papers filed therewith, were served via electronic mail upon jack.barufka@pillsburylaw.com, ngai.zhang@pillsburylaw.com, and docket_ip@pillsburylaw.com and via EXPRESS MAIL® upon counsel of record for Petitioners at the following addresses:

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