

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MEDTRONIC, INC. and MEDTRONIC VASCULAR, INC.  
Petitioner

v.

ENDOTACH LLC  
Patent Owner

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Case IPR2014-00100  
Patent 5,593,417

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Before JACQUELINE WRIGHT BONILLA, JENNIFER S. BISK and  
MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

BONILLA, *Administrative Patent Judge*.

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

Endotach filed a motion for *pro hac vice* admission of Jonathan T. Suder.  
Paper 11 (“Mot.”). The motion is unopposed. The motion is 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. *See* Paper 3 (“Notice”).

In its motion, Endotach states that there is good cause for the Board to recognize Mr. Suder as *pro hac vice* backup counsel during this proceeding, because Mr. Suder is an experienced litigation attorney with an established familiarity with the subject matter at issue in the proceeding. Mot. 2-3. More specifically, Endotach points out that Mr. Suder has been lead counsel for Endotach in three district court actions involving the same patent at issue in this proceeding. *Id.* Mr. Suder has made a declaration attesting to, and sufficiently explaining, these facts. Ex. 2001, 2. The declaration complies with the requirements set forth in the Notice.

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

It is

ORDERED that the Endotach motion for *pro hac vice* admission of Jonathan T. Suder for this proceeding is GRANTED;

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

FURTHER ORDERED that Mr. Suder is 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 the C.F.R., and to be subject to the Office’s Code of Professional

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Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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