

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZIMMER HOLDINGS, INC.
ZIMMER, INC.
PETITIONERS

v.

BONUTTI SKELETAL INNOVATION LLC
PATENT OWNER

PATENT No. 7,806,896
FILING DATE: NOVEMBER 25, 2003
ISSUE DATE: OCTOBER 5, 2010
TITLE: KNEE ARTHROPLASTY METHOD

INTER PARTES REVIEW No. IPR2014-00321

**PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION
OF KENNETH LIEBMAN**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 4 authorizing the petitioners to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Zimmer Holdings, Inc. and Zimmer, Inc., request that the Patent Trial and Appeal Board (the “Board”) admit Kenneth Liebman *pro hac vice* in this proceeding, IPR2014-00321.

This motion is being filed no sooner than twenty one (21) days after service of the petition.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions the Board may impose. Section 42.10(c) indicates that “where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Kenneth Liebman *pro hac vice* in this proceeding.

1. Lead counsel, Walter C. Linder, is a registered practitioner.
2. Counsel, Kenneth Liebman, is an experienced litigator and has an

established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion as Exhibit 1009 is the Declaration of Kenneth Liebman in Support of Motion for *Pro Hac Vice* Admission (“Liebman Decl.”).

In his declaration, Mr. Liebman asserts:

“I am a member in good standing of the Bar Minnesota as well as the following Federal Courts:

- (a) Bar of California (11/29/79);
- (b) U.S. Court of Appeals for the Federal Circuit (9/3/93);
- (c) U.S. Court of Appeals for the Eleventh Circuit (9/19/91);
- (d) U.S. District Court for the Central District of California (1/15/80);
- (e) U. S. District Court for the Northern District of California (8/13/92); and
- (f) U.S. District Court for the District of Minnesota (11/5/93).” (Liebman Decl., ¶ 2).

Mr. Liebman also asserts:

“I have been in private practice for over 33 years, and litigating patent cases for over 20 years. Several of these patent litigations include USPTO post-grant procedures. . . . I am familiar with the subject matter at issue in this proceeding. I am lead counsel for Petitioner in the matter *Bonutti Skeletal Innovation LLC v. Zimmer Holdings*,

Inc. et al., No. 1:12-cv-1107-GMS (filed on September 10, 2012), which is related to and involves the same patent at issue in this proceeding.” (Liebman Decl., ¶¶ 10-11).

3. In his declaration, Mr. Liebman also attests to each of the listed items required by the Order – Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. § 42.10(c) in IPR2013-00010 (MPT). (See Liebman Decl., ¶¶ 1-12).

III. Conclusion

For the foregoing reasons, Petitioners respectfully request that the Board admit Kenneth Liebman *pro hac vice* in this proceeding.

Respectfully submitted,

/ Walter Linder/
Walter C. Linder
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Lead Counsel for Petitioner

Dated January 23, 2014

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R § 42.105, I hereby certify that I caused a true and correct copy of the Petitioners' Motion For *Pro Hac Vice* Admission Of Kenneth Liebman, and associated Exhibit 1009, to be served via UPS on the following:

Cary Kappel
Davidson, Davidson & Kappel, LLC
485 Seventh Avenue
New York, NY 10018

FAEGRE BAKER DANIELS LLP

Dated: January 24, 2014

By: /Walter Linder/
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