

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MAKO SURGICAL CORP.,  
Petitioner,

v.

BLUE BELT TECHNOLOGIES, INC. and  
CARNEGIE MELLON UNIVERSITY  
Exclusive Licensee and Patent Owner.

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Case IPR2015-00630  
Patent 6,205,411 B1

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Before SALLY C. MEDLEY, KEVIN F. TURNER, and  
WILLIAM M. FINK, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

Decision  
Motion for *Pro Hac Vice* Admission of Wesley E. Overson  
*37 C.F.R. § 42.10*

Petitioner Mako Surgical Corp. filed a motion for *pro hac vice* admission of Mr. Wesley E. Overson. (“Mot.,” Paper 18). The motion is indicated as being unopposed by Patent Owner/Exclusive Licensee. For the reasons provided below, Petitioner’s motion is *granted*.

As set forth in 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. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board also required 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.

In its motion, Petitioner asserts that there is good cause for Mr. Overson’s *pro hac vice* admission because: (1) Mr. Overson is an experienced litigator and is the lead counsel in the related Mako Surgical Corp. et al. v. Blue Belt Technologies Inc., No. 0:14-cv-61263-MGC (S.D. Fla.) litigation; and (2) Mr. Overson has an established familiarity with the subject matter at issue in the proceedings. Mot. 1–2. In support of the motion, Mr. Overson attests to these facts in his declaration with sufficient explanations. Paper 19.

Based on the record, we find that Mr. Overson has sufficient legal and technical qualifications to represent Petitioner in the instant proceeding. Accordingly, Petitioner has established that there is good cause for Mr. Overson’s admission. Mr. Overson will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the foregoing reasons, it is

ORDERED that Petitioner's motion for *pro hac vice* admission of Mr. Overson for the instant proceedings is *granted*; Mr. Overson is authorized to represent Petitioner as back-up counsel in the instant proceeding;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceeding; and

FURTHER ORDERED that Mr. Overson 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 Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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