

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALERE INC.,  
Petitioner,

v.

REMBRANDT DIAGNOSTICS, LP,  
Patent Owner.

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Cases IPR2016-01498 (Patent 8,623,291 B2)  
IPR2016-01502 (Patent 6,548,019 B1)

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Before CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judge*.

DECISION

Granting Motions for *Pro Hac Vice* Admission of  
Lana S. Shiferman and J. Anthony Downs  
*37 C.F.R. §§ 42.10*

On October 25, 2016, Petitioner filed unopposed Motions for *Pro Hac Vice* Admission of Lana S. Shiferman (IPR2016-01498, Paper 6; IPR2016-01502, Paper 8) and J. Anthony Downs (IPR2016-01498, Paper 7; IPR2016-01502, Paper 9). The Motions were accompanied by Declarations of Ms.

IPR2016-01498 (Patent 8,623,291 B2)  
IPR2016-01502 (Patent 6,548,019 B1)

Shiferman (IPR2016-01498, Ex. 1014; IPR2016-01502, Ex. 1018) and Mr. Downs (IPR2016-01498, Ex. 1015; IPR2016-01502, Ex. 1019).

Having reviewed the Motions<sup>1</sup> and supporting Declarations,<sup>2</sup> good cause exists for granting admission *pro hac vice* to Ms. Shiferman and Mr. Downs. The Motions are *granted* subject to the following conditions.

It is hereby:

ORDERED that Ms. Shiferman and Mr. Downs are authorized to represent Petitioner in these proceedings as back-up counsel only;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel; and

FURTHER ORDERED that Ms. Shiferman and Mr. Downs are 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 Title 37, Code of Federal

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<sup>1</sup> The Motions state that Ms. Shiferman and Mr. Downs agree to be subject to "the U.S.P.T.O. Code of Professional Conduct set forth in 37 C.P.R. [sic] §§ 10.101 et seq." *See, e.g.*, IPR2016-01498 Paper 6, 4. A Final Rule took effect on May 3, 2013, adopting new Rules of Professional Conduct under 37 C.F.R. §§ 11.101 *et seq.* and removing Part 10 of Title 37, which contained the Code of Professional Conduct. *See Changes to Representation of Others Before the United States Patent and Trademark Office*, Final Rule, 78 Fed. Reg. 20,180 (Apr. 3, 2013). We consider the statement in the Motions to be a typographical error, and that Ms. Shiferman and Mr. Downs in fact agree to be subject to the Office's Rules of Professional Conduct under 37 C.F.R. §§ 11.101 *et seq.*

<sup>2</sup> The Declarations contain the same erroneous reference to "the U.S.P.T.O. Code of Professional Conduct set forth in 37 C.P.R. §§ 10.101 *et seq.*" *See, e.g.*, IPR2016-01498, Ex. 1014 ¶ 14.

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Regulations, and shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

IPR2016-01498 (Patent 8,623,291 B2)  
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