

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEXCOM, INC.,
Petitioner

v.

WAVEFORM TECHNOLOGIES, INC.,
Patent Owner

Case IPR2016-01679 (Patent 7,146,202 B2)
Case IPR2016-01680 (Patent 8,187,433 B2)¹

Before BRIAN P. MURPHY, JON B. TORNQUIST, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

Per Curiam

ORDER

Granting Patent Owner's Unopposed Motion for
Pro Hac Vice Admission of Jason A. Wrubleski
37 C.F.R. § 42.10

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers. For convenience, this order cites only to papers and exhibits filed in IPR2016-01679; substantially identical papers and exhibits were filed in IPR2016-01680.

I. INTRODUCTION

On May 2, 2017, Patent Owner filed an Unopposed Motion for *Pro Hac Vice* Admission of Jason A. Wrubleski. Paper 23 (“Mot.”). A Declaration of Jason A. Wrubleski in Support of Patent Owner’s Motion for *Pro Hac Vice* Admission was submitted with the Motion. Ex. 2021. Patent Owner represents that Petitioner does not oppose the motions. Mot. 2. A Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has been submitted for Mr. Wrubleski. Paper 22. For the reasons provided below, Patent Owner’s motions are *granted*.

II. DISCUSSION

In accordance with 37 C.F.R. § 42.10(c), we 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. In authorizing a motion for *pro hac vice* admission, 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 the proceeding.

In these proceedings, lead counsel for Patent Owner, Scott D. Eads, is a registered practitioner. Patent Owner asserts there is good cause for us to recognize Mr. Wrubleski *pro hac vice* in these proceedings. Mot. 4. Patent Owner’s assertions in this regard are supported by the Declaration of Mr. Wrubleski. Ex. 2021.

Mr. Wrubleski declares that he is a member in good standing with the state Bars of Oregon and California. Ex. 2021 ¶ 2. Mr. Wrubleski also declares that he is an experienced litigation attorney familiar with the subject

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matter at issue in these proceedings. *Id.* ¶¶ 9–10. Mr. Wrubleski declares that he has never been suspended or disbarred by any court or administrative body (*id.* ¶ 3), has not been denied for admission to practice before any court or administrative body (*id.* ¶ 4), and has not been sanctioned or cited for contempt by any court or administrative body (*id.* ¶ 5).

Mr. Wrubleski additionally declares he has read and will comply with the Office Patent Trial Practice Guide and the Board’s rules as set for in 37 C.F.R. § 42 (*id.* ¶ 6), and understands he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a) (*id.* ¶ 7).

On this record, we determine that Mr. Wrubleski has sufficient legal and technical qualifications to represent Patent Owner as back-up counsel in these proceedings. Accordingly, Patent Owner has established that there is good cause for the *pro hac vice* admission of Mr. Wrubleski in these proceedings. Patent Owner’s Motions for *Pro Hac Vice* Admission of Jason A. Wrubleski are *granted*.

III. ORDER

Accordingly, it is

ORDERED that Patent Owner’s Motions for *Pro Hac Vice* Admission of Jason A. Wrubleski are *granted*;

FURTHER ORDERED that Mr. Wrubleski is authorized to represent Patent Owner only as back-up counsel in these proceedings and that Patent Owner is to continue to have a registered practitioner represent it as lead counsel in these proceedings;

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FURTHER ORDERED that Patent Owner must file updated mandatory notices identifying Mr. Wrubleski as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Mr. Wrubleski 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 Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Wrubleski shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), as well as the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

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