

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION, EDWARDS LIFESCIENCES
LLC, AND EDWARDS LIFESCIENCES AG

Petitioners

v.

BOSTON SCIENTIFIC SCIMED, INC.
Patent Owner

Case IPR2017-0060
Patent 8,992,608

**PETITIONERS' MOTION FOR ADMISSION
PRO HAC VICE OF NICHOLAS GROOMBRIDGE
PURSUANT TO 37 C.F.R. § 42.10**

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I. RELIEF REQUESTED

Pursuant to 37 C.F.R. §42.10(c), and as authorized in the Patent Trial and Appeal Board's ("Board") Notice of Filing Date Accorded to Petition (Paper 3), Petitioners Edwards Lifesciences Corporation, Edwards Lifesciences LLC, and Edwards Lifesciences AG (collectively, "Petitioners") respectfully request *pro hac vice* admission of Nicholas Groombridge as counsel in this proceeding.

II. STATEMENT OF FACTS

37 C.F.R. §42.10(c) states:

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 as the Board may impose. For example, 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, supported by the attached Declaration of Nicholas Groombridge in Support of Motion for Admission *Pro Hac Vice* ("Groombridge Decl."), establish good cause to admit Mr. Groombridge *pro hac vice* in this proceeding.

1. Lead counsel Gregory S. Cordrey is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

2. Backup counsel Brian Egan is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

3. Backup counsel Catherine Nyarady is a registered practitioner and is experienced in *inter partes* proceedings in the USPTO.

4. Nicolas Groombridge is an experienced litigation attorney. Mr. Groombridge has been a litigating attorney for twenty-eight years. (Groombridge Decl. ¶ 1.) Mr. Groombridge has been litigating patent cases for all of those years. (*Id.* ¶ 2.) Mr. Groombridge is a member in good standing of the New York State Bar since 1989 with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States District Courts for the Southern, Eastern and Western Districts of New York, the United States District Courts for the Western and Eastern Districts of Michigan, the United States District Court for the Eastern District of Texas, the United States District Court for the District of Colorado, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court. (*Id.* ¶¶ 3-6.)

5. Mr. Groombridge has an established familiarity with the subject matter at issue in this proceeding, including, *inter alia*, U.S. Patent No. 8,992,608

(the “‘608 patent”), its prior art, and the field of transcatheter aortic heart valves. (*Id.* at ¶ 7.) Mr. Groombridge is lead counsel for Petitioners in the related district court litigation *Boston Scientific Corp. et al. v. Edwards Lifesciences Corp.*, Case No. 1:16-cv-00275-SLR-SRF (D. Del.). (*Id.*) That litigation also involves the ‘608 patent and overlaps with this proceeding on a number of significant issues, including the technology disclosed and claimed in the ‘608 patent, the interpretation of the ‘608 patent’s claims, and the invalidity of the ‘608 patent. (*Id.*) As lead counsel, Mr. Groombridge has been heavily involved in all substantive decisions, including forming Petitioners’ claim construction, non-infringement, and invalidity positions. (*Id.* at ¶ 8.)

6. Mr. Groombridge has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 42 of 37 C.F.R, and he agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§10.20 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (*Id.* ¶¶ 9-10.) Mr. Groombridge has not applied to appear *pro hac vice* in other proceedings before the Office in the last three (3) years. (*Id.* ¶11.)

7. Patent Owner Boston Scientific Scimed, Inc. has indicated that this Motion will not be opposed.

III. ANALYSIS

The facts contained in the Statement of Facts above, and contained in the Groombridge Declaration, establish that there is good cause to admit Mr. Groombridge *pro hac vice* in this proceeding under 37 C.F.R. §42.10. Lead counsel are registered practitioners, Mr. Groombridge is an experienced patent litigation attorney, and Mr. Groombridge has an established familiarity with the subject matter at issue in the proceeding.

IV. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Nicholas Groombridge *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: June 6, 2017

/s/ Gregory S. Cordrey

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