

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RTI SURGICAL, INC.,  
Petitioner,

v.

LIFENET HEALTH,  
Patent Owner.

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IPR2019-00569 (Patent 6,458,158 B1)  
IPR2019-00570 (Patent 8,182,532 B2)<sup>1</sup>

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Before GEORGE R. HOSKINS, TIMOTHY J. GOODSON, and  
CHRISTOPHER C. KENNEDY, *Administrative Patent Judges*.

GOODSON, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice*  
Admission of Jacob Zambrzycki  
*37 C.F.R. § 42.10*

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<sup>1</sup> This order is being filed in each proceeding listed in the caption. The parties may use this style heading only if the paper includes a statement certifying that the identical paper is being filed in each proceeding listed in the caption.

IPR2019-00569 (Patent 6,458,158 B1)  
IPR2019-00570 (Patent 8,182,532 B2)

In each of the above-identified proceedings, Patent Owner filed a Motion for *Pro Hac Vice* Admission of Jacob Zambrzycki (Paper 49, collectively “Motions”), supported by a Declaration of Mr. Zambrzycki (Ex. 2090).<sup>2</sup> Patent Owner represents that Petitioner does not oppose the Motions. Paper 49, 1.

Pursuant to 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. Upon review of Patent Owner’s Motions and supporting evidence, we determine that Patent Owner has demonstrated that Mr. Zambrzycki has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, and that there is good cause for admitting Mr. Zambrzycki *pro hac vice*.

We note that Patent Owner’s current Power of Attorney “appoints the Practitioners associated with United States Patent & Trademark Office Customer No. 106224,” which does not appear to encompass Mr. Zambrzycki because he is not a registered practitioner before the U.S. Patent & Trademark Office. Paper 5. Additionally, Mr. Zambrzycki is not included in Patent Owner’s Mandatory Notices. Paper 20. Accordingly, Patent Owner must submit Powers of Attorney for Mr. Zambrzycki in accordance with 37 C.F.R. § 42.10(b), and must update its Mandatory Notices as required by 37 C.F.R. § 42.8(b)(3).

Accordingly, it is

ORDERED that Patent Owner’s Motions for *Pro Hac Vice* Admission of Jacob Zambrzycki are *granted*, and Mr. Zambrzycki is authorized to

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<sup>2</sup> For purposes of expediency, we cite to the Motion and Declaration filed in IPR2019-00569, unless otherwise indicated. Patent Owner filed a similar Motion and Declaration in IPR2019-00570.

IPR2019-00569 (Patent 6,458,158 B1)  
IPR2019-00570 (Patent 8,182,532 B2)

represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Patent Owner must submit a Power of Attorney for Mr. Zambrzycki in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner shall file updated Mandatory Notices identifying Mr. Zambrzycki as back-up counsel in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3).

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings; and

FURTHER ORDERED that Mr. Zambrzycki is to comply with the Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)), 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. Zambrzycki is to 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.*

IPR2019-00569 (Patent 6,458,158 B1)

IPR2019-00570 (Patent 8,182,532 B2)

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