

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC. and MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

TELEFLEX INNOVATIONS S.À.R.L.,
Patent Owner.

IPR2020-00126 (Patent 8,048,032 B2)
IPR2020-00128 (Patent RE45,380 E)
IPR2020-00129 (Patent RE45,380 E)
IPR2020-00132 (Patent RE45,760 E)
IPR2020-00134 (Patent RE45,760 E)
IPR2020-00135 (Patent RE45,776 E)
IPR2020-00137 (Patent RE47,379 E)¹

Before SHERIDAN K. SNEDDEN, JON B. TORNQUIST, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motions for Admission
Pro Hac Vice of William E. Manske and Emily J. Tremblay
37 C.F.R. § 42.10

¹ This Order applies to all of the above-identified proceedings. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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On October 13, 2020, Petitioner filed motions for admission *pro hac vice* of William E. Manske and Emily J. Tremblay in each of the above-identified proceedings (collectively “Motions”). Papers 47; 48.² Petitioner also filed declarations of Mr. Manske and Ms. Tremblay in support of the Motions (collectively “Declarations”). Exs. 1097; 1098.³ Petitioner states that Patent Owner does not oppose the Motions. Papers 47, 1; 48, 1. For the reasons provided below, Petitioner’s Motions are *granted*.

Pursuant to 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. In its notice authorizing motions for *pro hac vice* admission, the Board requires 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. *See* Paper 6, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

² For purposes of expediency, we cite to Papers filed in IPR2020-00126. Petitioner filed similar Motions in IPR2020-00128 (Papers 47; 48), IPR2020-00129 (Papers 47; 48), IPR2020-00132 (Papers 47; 48), IPR2020-00134 (Papers 44; 45), IPR2020-00135 (Papers 47; 48), and IPR2020-00137 (Papers 47; 48).

³ For purposes of expediency, we cite to Exhibits filed in IPR2020-00126. Petitioner filed similar Declarations in IPR2020-00128 (Exs. 1097; 1098), IPR2020-00129 (Exs. 1297; 1298), IPR2020-00132 (Exs. 1097; 1098), IPR2020-00134 (Exs. 1697; 1698), IPR2020-00135 (Exs. 1097; 1098), and IPR2020-00137 (Exs. 1097; 1098).

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Based on the facts set forth in the Motions⁴ and the accompanying Declarations, we conclude that Mr. Manske and Ms. Tremblay have sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Manske and Ms. Tremblay have demonstrated sufficient familiarity with the subject matter of these proceedings, and that Petitioner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Manske and Ms. Tremblay. Mr. Manske and Ms. Tremblay will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Petitioner's Motions for *pro hac vice* admission of Mr. William E. Manske and Ms. Emily J. Tremblay are *granted*;

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

⁴ The Motions state that "Mr. Manske attests that he has read and will comply with the Patent Office Trial Practice Guide and the Board's Rules of Practice set forth in 35 C.F.R. § 42," and that "Ms. Tremblay attests that she has read and will comply with the Patent Office Trial Practice Guide and the Board's Rules of Practice set forth in 35 C.F.R. § 42." Paper 47, 2; Paper 48, 2. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. Because the Declarations properly cite to 37 C.F.R., we deem this harmless error.

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FURTHER ORDERED that Mr. Manske and Ms. Tremblay are authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Manske and Ms. Tremblay are to comply with the Office Patent Trial Practice Guide⁵ (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. Manske and Ms. Tremblay 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.*

⁵ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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