

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)
IPR2020-00127 (Patent 8,048,032 B2)
IPR2020-00128 (Patent RE45,380 E)
IPR2020-00129 (Patent RE45,380 E)
IPR2020-00130 (Patent RE45,380 E)
IPR2020-00132 (Patent RE45,760 E)
IPR2020-00134 (Patent RE45,760 E)
IPR2020-00135 (Patent RE45,776 E)
IPR2020-00136 (Patent RE45,776 E)
IPR2020-00137 (Patent RE47,379 E)
IPR2020-00138 (Patent RE47,379 E)¹

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

TORNQUIST, *Administrative Patent Judge*.

ORDER

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.

IPR2020-00126, IPR2020-00127 (Patent 8,048,032 B2)
IPR2020-00128, IPR2020-00129, IPR2020-00130 (Patent RE45,380 E)
IPR2020-00132, IPR2020-00134 (Patent RE45,760 E)
IPR2020-00135, IPR2020-00136 (Patent RE45,776 E)
IPR2020-00137, IPR2020-00138 (Patent RE47,379 E)

Granting Patent Owner's Motions for Admission
Pro Hac Vice of Joseph W. Winkels
37 C.F.R. § 42.10

IPR2020-00126, IPR2020-00127 (Patent 8,048,032 B2)
IPR2020-00128, IPR2020-00129, IPR2020-00130 (Patent RE45,380 E)
IPR2020-00132, IPR2020-00134 (Patent RE45,760 E)
IPR2020-00135, IPR2020-00136 (Patent RE45,776 E)
IPR2020-00137, IPR2020-00138 (Patent RE47,379 E)

On August 19, 2020, Patent Owner filed motions for admission *pro hac vice* of Joseph W. Winkels in each of the above-identified proceedings (collectively “Motions”). Paper 31.² Patent Owner also filed declarations of Mr. Winkels in support of the Motions (collectively “Declarations”). Ex. 2087.³ Patent Owner attests that Petitioner does not oppose the Motions. Paper 31, 1. For the reasons provided below, Patent Owner’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))

² For purposes of expediency, we cite to Papers filed in IPR2020-00126. Patent Owner filed similar Motions in IPR2020-00127 (Paper 28), IPR2020-00128 (Paper 31), IPR2020-00129 (Paper 31), IPR2020-00130 (Paper 28), IPR2020-00132 (Paper 31), IPR2020-00134 (Paper 28), IPR2020-00135 (Paper 31), IPR2020-00136 (Paper 28), IPR2020-00137 (Paper 31), and IPR2020-00138 (Paper 28).

³ We cite to Exhibits filed in IPR2020-00126. Patent Owner filed similar Declarations in IPR2020-00127 (Ex. 2087), IPR2020-00128 (Ex. 2087), IPR2020-00129 (Ex. 2087), IPR2020-00130 (Ex. 2087), IPR2020-00132 (Ex. 2087), IPR2020-00134 (Ex. 2087), IPR2020-00135 (Ex. 2087), IPR2020-00136 (Ex. 2087), IPR2020-00137 (Ex. 2087), and IPR2020-00138 (Ex. 2087).

IPR2020-00126, IPR2020-00127 (Patent 8,048,032 B2)
IPR2020-00128, IPR2020-00129, IPR2020-00130 (Patent RE45,380 E)
IPR2020-00132, IPR2020-00134 (Patent RE45,760 E)
IPR2020-00135, IPR2020-00136 (Patent RE45,776 E)
IPR2020-00137, IPR2020-00138 (Patent RE47,379 E)

(representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motions and the accompanying Declarations,⁴ we conclude that Mr. Winkels has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Winkels has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Patent Owner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Winkels. Mr. Winkels will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

A Power of Attorney has not been submitted for Mr. Winkels. Accordingly, Patent Owner must submit a Power of Attorney for Mr. Winkels 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).

⁴ *Unified Patents* indicates that “A motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years.” *See Unified Patents*, Paper 7 at 3. The Declaration of Mr. Winkels fails to identify any other proceedings before the Office for which Mr. Winkels has applied to appear *pro hac vice*. *See* Ex. 2087. For the purposes of this Order, we treat this omission as a representation that Mr. Winkels has not applied to appear *pro hac vice* in any proceedings before the Office in the last three years.

IPR2020-00126, IPR2020-00127 (Patent 8,048,032 B2)
IPR2020-00128, IPR2020-00129, IPR2020-00130 (Patent RE45,380 E)
IPR2020-00132, IPR2020-00134 (Patent RE45,760 E)
IPR2020-00135, IPR2020-00136 (Patent RE45,776 E)
IPR2020-00137, IPR2020-00138 (Patent RE47,379 E)

Accordingly, it is:

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Mr. Joseph W. Winkels are *granted*;

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

FURTHER ORDERED that Mr. Winkels is authorized to represent Patent Owner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Winkels 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;

FURTHER ORDERED that Mr. Winkels 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.*;

FURTHER ORDERED that, within ten (10) business days of the date of this Order, Patent Owner must submit Powers of Attorney for Mr. Winkels in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b); and

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

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