

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

TELEFLEX LIFE SCIENCES LIMITED,
Patent Owner.

IPR2020-01341 (Patent 8,142,413 B2)
IPR2020-01342 (Patent 8,142,413 B2)
IPR2020-01343 (Patent RE46,116 E)
IPR2020-01344 (Patent RE46,116 E)

Before SHERIDAN K. SNEDDEN, JAMES A. TARTAL, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.¹

SNEDDEN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Unopposed Motions for
Pro Hac Vice Admission of Tara C. Norgard
37 C.F.R. § 42.10

¹ This Order addresses issues that are identical in each of the above-captioned proceedings. We therefore exercise our discretion to issue one Order to be filed in each proceeding. The proceedings have not been consolidated, and the Parties are not authorized to use this style heading in any subsequent papers.

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Teleflex Life Sciences Limited (“Patent Owner”) filed Motions for *pro hac vice* admission of Tara C. Norgard in each of the above-captioned proceedings. Paper 41 (“Mot.”, “Motion”).² Patent Owner states in each Motion that “[t]he parties have conferred, and the Petitioner does not oppose this Motion.”³ Mot. 2. The Motions are *granted*.

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. 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. *See* Paper 4, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)) (“Notice”).

Patent Owner states that there is good cause for the Board to recognize Tara C. Norgard *pro hac vice* during these proceedings because she “has developed a deep familiarity with the patents at issue and the Petitioner’s validity challenges, and the Patent Owner wishes to have Ms. Norgard continue representing it in this matter before the Board.” Mot. 3. Patent Owner explains that “Ms. Norgard has represented Teleflex in a

² We cite to Papers and Exhibits in IPR2020-01341. Similar items were filed in IPR2020-01342, IPR2020-01343, and IPR2020-01344.

³ Patent Owner’s Motions do not include page numbers. We identify the pages of the Motion for IPR2020-01341 as if they were numbered consecutively, starting with “Mot. 1” and ending with “Mot. 6.”

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related patent infringement action in the District of Minnesota (Civil Action. No. 19-cv-1760 (PJS/TNL), filed July 2, 2019) involving the same parties and the same patent at issue in this proceeding” and has “also assisted the lead counsel representing the Patent Owner in this IPR, Derek Vandenburg.” *Id.* at 2–3. Patent Owner states further that it “has invested significant financial resources in the related proceedings described above, in which Ms. Norgard has served as counsel,” and “[i]f this motion was denied, the Patent Owner would be prejudiced because it would have to undertake the burdensome and costly task of educating another attorney regarding the patent at issue in this proceeding, and the related evidence.” *Id.* at 3. The Motions are supported by Declarations of Ms. Norgard (Ex. 2217, “Decl.”) that attest to the statements above and comply with the requirements set forth in the Notice. *See* Decl. ¶¶ 1–12.

Upon consideration, Patent Owner has demonstrated that Ms. Norgard has sufficient legal and technical qualifications and familiarity with the subject matter at issue, and that there is a need for Patent Owner to have counsel with her experience. *See, e.g.*, Decl. ¶¶ 1, 2, 8–12; Mot. 2–4. Patent Owner therefore has established good cause for admitting Ms. Norgard *pro hac vice* in each of the above-captioned proceedings.

Accordingly, it is

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Tara C. Norgard in the above-captioned proceedings are *granted*; Ms. Norgard is authorized to act as back-up counsel in these proceedings only;

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FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Ms. Norgard as back-up counsel in each of the above-captioned proceedings in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner must file a power of attorney for Ms. Norgard in each of the above-captioned proceedings in accordance with 37 C.F.R. § 42.10(b);

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

FURTHER ORDERED that Ms. Norgard shall comply with the Consolidated 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 Ms. Norgard is 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.

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