

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFESCAN, INC.

Petitioner,

v.

FACET TECHNOLOGIES, LLC

Patent Owner.

Case No. IPR2023-00712

U.S. Patent No. 8,840,635

**PETITIONER’S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF AN LE UNDER 37 C.F.R. § 42.10(c)**

Petitioner LifeScan, Inc., respectfully requests that the Board recognize An
Le as counsel *pro hac vice* during this proceeding.

I BACKGROUND

In the Notice of Filing Date Accorded to Petition and Time for Filing Patent
Owner Preliminary Response dated March 28, 2023 (“Notice”) (Paper 4), the
Board authorized the parties to file motions for pro hac vice admission under 37
C.F.R. § 42.10(c). The Notice requires that such motions be filed in accordance
with the “Order – Authorizing Motion for Pro Hac Vice Admission” in Case
IPR2013-00639, Paper 7 (“Order”).

II NO OPPOSITION TO THIS MOTION

Petitioner has conferred with counsel for Patent Owner with regard to this
Motion, and counsel for Patent Owner has confirmed that they will not oppose it.

III GOVERNING LAWS, RULES, AND PRECEDENT

The Board may recognize counsel pro hac vice during a proceeding on a
showing of good cause. “[W]here lead counsel is a registered practitioner, a
motion to appear pro hac vice may be granted upon a showing that counsel is an
experienced litigation attorney and has an established familiarity with the subject
matter at issue in the proceeding.” 37 C.F.R. § 42.10(c).

IV STATEMENT OF FACTS

Based on the following statement of facts, and supported by the Declaration of An Le submitted herewith as Exhibit 1060, Petitioner submits that a showing of good cause has been made and respectfully requests the *pro hac vice* admission of An Le in this proceeding:

1. Petitioner's lead counsel, Michael J. Lyons, is a registered practitioner (Reg. No. 37,386).
2. Petitioner's backup counsel, Alexander B. Stein, is a registered practitioner (Reg. No. 71,397).
3. Ms. Le is an experienced litigating attorney and has been litigating patent cases for the past 1.5 years. (Ex. 1060, ¶¶ 2-4).
4. Ms. Le is a member in good standing of the California State Bar (Ex. 1060, ¶ 5).
5. Ms. Le has never been suspended or disbarred from practice before any court or administrative body. (Ex. 1060, ¶ 6).
6. No application filed by Ms. Le for admission to practice before any court or administrative body has ever been denied. (Ex. 1060, ¶ 7).
7. No sanctions or contempt citations have been imposed against Ms. Le by any court or administrative body. (Ex. 1060, ¶ 8).

8. Ms. Le has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of Title 37 of the C.F.R. (Ex. 1060, ¶ 9).

9. Ms. Le understands that she will be subject to the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. § § 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (Ex. 1060, ¶ 10).

10. Ms. Le has not appeared before the Office *pro hac vice* in the last three years. (Ex. 1060, ¶ 11).

11. Ms. Le has an established familiarity with the subject matter at issue in this proceeding. (Ex. 1060, ¶¶ 12-14).

V GOOD CAUSE EXISTS FOR THE PRO HAC VICE ADMISSION OF MS. LE IN THIS PROCEEDING

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 any other conditions as the Board may impose. 37 C.F.R. § 42.10 (C). Petitioner's lead counsel, Michael J. Lyons, is a registered practitioner. Based on the facts contained herein, as supported by Ms. Le's declaration (Ex. 1060), good cause exists to admit Ms. Le *pro hac vice* as backup counsel in this proceeding.

Good cause exists for Ms. Le's *pro hac vice* admission. Admission of Ms. Le will allow her to participate in the hearing for this proceeding as part of the Legal Experience and Advancement Program (LEAP).

VI CONCLUSION

For the foregoing reasons, as well as the reasons contained in the attached declaration, Petitioner respectfully requests admission of An Le as counsel *pro hac vice* backup counsel in this proceeding.

Dated: May 16, 2024

Respectfully submitted,

/ Michael J. Lyons /
MORGAN LEWIS & BOCKIUS LLP
Michael J. Lyons, Reg. No. 37,386
Alexander B. Stein, Reg. No. 71,397

CARTER LEDYARD & MILBURN LLP
Gerald W. Griffin
pro hac vice

Attorneys for LifeScan, Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), I certify that on May 16, 2024, I caused to be served a true and correct copy of PETITIONER'S UNOPPOSED MOTION FOR PRO HAC VICE ADMISSION OF AN LE UNDER 37 C.F.R. § 42.10(c) by email to Patent Owner's counsel:

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Dated: May 16, 2024

Respectfully Submitted,

/ Michael J. Lyons /

Michael J. Lyons, Reg. No. 37,386