

IPR2023-00894
Patent No. 11,298,166

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRIAL AND APPEAL BOARD

FUSION ORTHOPEDICS, LLC,
Petitioner,
v.

EXTREMITY MEDICAL, LLC
Patent Owner.

Case IPR2023-00894
Patent 11,298,166

**PETITIONER'S MOTION FOR *PRO HAC VICE*
ADMISSION OF CORBY R. VOWELL**

Pursuant to 37 C.F.R. § 42.10(c), the Petitioner seeks *pro hac vice* admission of Corby R. Vowell as backup counsel in this *inter partes* review. The Board's May 23, 2023, Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 6) authorized the filing of this motion.

This motion satisfies the requirements of 37 C.F.R. § 42.10(c). In particular, lead counsel for the Petitioner is a registered patent practitioner, and there is good cause to admit Mr. Vowell as *pro hac vice* backup counsel for the Petitioner.

I. TIME FOR FILING

This motion is being filed no sooner than twenty one (21) days after service of the petition for *inter partes* review.

II. STATEMENT OF FACTS

Exhibit 1013, which accompanies this motion, is a declaration by Mr. Vowell explaining that he satisfies all of the criteria for *pro hac vice* admission, as set forth in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper 7 (P.T.A.B. Oct. 15, 2013). Mr. Vowell is a member in good standing of at least the State Bar of Texas, has never been suspended or disbarred, has never had an application for admission denied, has never been sanctioned or cited for contempt, has read and agrees to comply with the Office Patent Trial Practice Guide and the

Board's Rule of Practice for Trials set forth in part 42 of the Code of Federal Regulations, and submits to be subject to the USPTO's code of professional responsibility and disciplinary jurisdiction.

Corby Vowell is an experienced litigator with more than 20 years of experience representing clients in patent related litigation. Mr. Vowell has appeared *pro hac vice* in the following PTO proceedings in the last three years:

- *Semiconductor Components Industries, LLC d/b/a/ Onsemi v. Opticurrent, LLC* Case: IPR2021-01460, Patent No. 6,958,623
- *Nortonlifelock INC., v. Kajeet, INC.*, Case: IPR2022-00001, Patent No. 8,667,559
- *Taiwan Semiconductor Manufacturing Company, LTD., v. Fraunhofer Gesellschaft Zur Förderung Der Angewandten Forschung Ev*, Case: IPR2020-01669, Patent No. 6,548,391

Mr. Vowell also has experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding as a result of being lead counsel for the Petitioner in the following patent infringement lawsuit of the patent under review:

- *Extremity Medical, LLC v. Fusion Orthopedics, LLC*, Case No. 2:22-cv-00723-PHX-GMS (D. Ariz.)

As a result, Mr. Vowell has gained familiarity with the subject matter at issue in this proceeding, namely the Patent Owner's patents, as well as the prior art references. Petitioner has invested significant financial resources in each of these proceedings. Moreover, through his representation in these proceedings, Petitioner has developed a relationship with Mr. Vowell such that Petitioner desires to continue the relationship with Mr. Vowell for the purpose of this proceeding.

III. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Corby R. Vowell. Accordingly, Petitioner respectfully submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Mr. Vowell as counsel *pro hac vice* during this proceeding.

Dated: July 14, 2023

Respectfully submitted,

/Jennifer R. Brinkerhoff/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a) and (b), the undersigned certifies that on the date listed below, a complete and entire copy of this Petitioner's Motion for *Pro Hac Vice* and Exhibit 1013 were served upon the following via email:

David Lindenbaum, dlindenbaum@kelleydrye.com
Michael J. Zinna, mzinna@kelleydrye.com

Respectfully submitted,

Dated: July 14, 2023

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