

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT DIABETES CARE INC.,
Petitioner,

v.

DEXCOM, INC.,
Patent Owner.

IPR2024-00860
U.S. Patent No. 11,510,625

**PATENT OWNER'S UNOPPOSED
MOTION FOR ADMISSION *PRO HAC VICE* OF
SCOTT E. DAVIS PURSUANT TO 37 C.F.R. § 42.10(c)**

I. INTRODUCTION

Patent Owner respectfully requests that the Board recognize Scott E. Davis as *pro hac vice* counsel for this proceeding. Petitioner has indicated that it does not oppose.

II. BACKGROUND

Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission is being filed pursuant to and in compliance with the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response, which was filed May 23, 2024 (Paper 4) (the "Notice"). The Notice authorizes the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Further to the Notice, such "motions shall be filed in accordance with the 'Order – Authorizing Motion for *Pro Hac Vice* Admission' in Case IPR2013-00639, Paper 7" (the "Order").

III. TIME OF FILING

This Unopposed Motion for *Pro Hac Vice* admission is being filed in accordance with the Notice authorizing the filing of a motion for *pro hac vice* admission and is filed greater than 21 days after the filing date accorded to the petition for *inter partes* review of May 9, 2024.

IV. STATEMENT OF FACTS

As required by the Order, the following statement of facts, supported by the attached Declaration of Scott E. Davis in Support of Motion for *Pro Hac Vice*

Admission (EX2001) shows that there is good cause for the Patent Trial and Appeal Board (“Board”) to recognize Scott E. Davis’s *pro hac vice* in this proceeding. As required by 37 C.F.R. § 42.10(c), lead counsel, Andrew M. Mason, is a registered practitioner experienced in proceedings before the Board.

Scott E. Davis is an experienced patent litigation attorney. Scott E. Davis has been litigating patent cases and other intellectual property disputes in federal courts for more than 22 years. He has been involved in numerous patent litigation cases in federal courts, including as lead counsel. Scott E. Davis’s experience includes representing a wide range of clients in complex patent litigation, including discovery, expert reports, depositions, claim construction, dispositive motions, hearings and trial. He also served as a judicial law clerk to United States District Judge A. Howard Matz (now retired) in the Central District of California during the 2000-2001 term, and he worked on a number of patent cases and trials in that role. Scott E. Davis is a member in good standing of the California State Bar and the Oregon State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States Court of Appeals for the Federal Circuit, among several other federal courts.

Scott E. Davis's mailing address is Klarquist Sparkman, LLP, 121 SW Salmon Street, Suite 1600, Portland, Oregon, 97204, his email address is scott.davis@klarquist.com, and his phone number is (503) 595-5300.

Scott E. Davis has worked with lead counsel in most aspects of this proceeding. As such, Scott E. Davis has reviewed and is very familiar with (i) U.S. Patent No. 11,510,625, the patent at issue in this proceeding; (ii) the prior art relied upon in the Petition; (iii) the legal and factual arguments that have been raised by Petitioner; and (iv) the developments in this proceeding since the filing of the Petition, as well as the developments in other matters before the Board between the same parties. Accordingly, he has established familiarity with the subject matter at issue in these proceedings and the conduct of these proceedings to date. Moreover, he has represented Patent Owner DexCom, Inc. in connection with patent matters in courts and other contested proceedings for more than eight years.

Scott E. Davis has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§11.1 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a).

In the last three years, Scott E. Davis has not applied to appear *pro hac vice* before the United States Patent and Trademark Office in any other proceedings.

Patent Owner's Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Scott E. Davis (EX2001) as required by the Order.

V. ANALYSIS

The facts described above and in the Declaration of Scott E. Davis (EX2001) establish that there is good cause to admit Scott E. Davis *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Lead counsel is a registered practitioner, Scott E. Davis is an experienced patent litigation attorney, and Scott E. Davis has an established familiarity with the subject matter at issue in these proceedings.

VI. CONCLUSION

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Scott E. Davis *pro hac vice* during these proceedings.

Respectfully submitted,

Dated: June 5, 2024

By: /Andrew M. Mason/

Andrew M. Mason (Reg. No. 64,034)
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Patent Owner

CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6(e)(4)

The undersigned certifies that the **PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF SCOTT E. DAVIS** was served on June 5, 2024, 2024, via electronic mail as follows:

Scott C. Weidenfeller
David A. Garr
Covington & Burling LLP
One City Center
850 Tenth Street NW
Washington, DC 20001
Email: sweidenfeller@cov.com
dgarr@cov.com
Abbott-IPR@cov.com

Peter P. Chen
Covington & Burling LLP
3000 El Camino Real
5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306
Email: pchen@cov.com
Abbott-IPR@cov.com

By: /Andrew M. Mason/

Andrew M. Mason, Reg. No. 64,034
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Patent Owner