

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT DIABETES CARE INC.,
Petitioner,

v.

DEXCOM, INC.,
Patent Owner.

IPR2024-00859 and IPR2024-00860
Patent 11,510,625 B2¹

Before JAMES A. TARTAL, JON M. JURGOVAN, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

DECISION
Granting Patent Owner's Motions for Admission
Pro Hac Vice of Scott E. Davis
37 C.F.R. § 42.10

¹ This Order addresses issues common to each of these proceedings and we use this caption for efficiency. The Parties may not use this style heading in any subsequent papers without authorization.

On June 5, 2024, Patent Owner filed motions for admission *pro hac vice* of Scott E. Davis in these proceedings. Paper 7.² The motions rely on a Declaration from Mr. Davis. Ex. 2001. Patent Owner indicates the motions are unopposed. Paper 7, 1. Patent Owner also filed Powers of Attorney and Mandatory Notices identifying Mr. Davis. Papers 5, 6.

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 Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB 2013) (representative “Order – Authorizing Motion for Pro Hac Vice Admission”).

Based on the facts set forth in the motions and the accompanying declaration, we conclude that Mr. Davis has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that he has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that he meets all other requirements for admission *pro hac vice*. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Davis, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c).

² We refer to IPR2024-00859. Similar papers and exhibits were filed in IPR2024-00860.

ORDER

It is:

ORDERED that Patent Owner's motions for *pro hac vice* admission of Scott E. Davis are *granted*, and Mr. Davis is authorized to represent Patent Owner only as back-up counsel in these proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in each proceeding;

FURTHER ORDERED that Mr. Davis is to be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (November 2019), *available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>, 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. Davis is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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