Filed on behalf of: ResMed Corp. Filed: August 26, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,

Petitioner,

v.

CLEVELAND MEDICAL DEVICES INC.,

Patent Owner.

IPR2025-00158
U.S. Patent No. 11,690,512

PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF ERIC E. LANCASTER UNDER 37 C.F.R. § 42.10(c)

I. RELIEF REQUESTED

Under 37 C.F.R. § 42.10(c) and the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response ("Notice"), Paper No. 3, Petitioner ResMed Corp. ("Petitioner'") respectfully requests the *pro hac vice* admission of attorney Eric E. Lancaster, Esq. in this proceeding.

II. LEGAL STANDARD

Under 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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 3) further instructs:

> Once a party has designated a registered practitioner as lead counsel pursuant to 37 C.F.R. § 42.10(a) and filed a power of attorney for lead counsel if required by 37 C.F.R. § 42.10(b), that party is also authorized to file one or more motions for pro hac vice recognition of back-up counsel pursuant to 37 C.F.R. § 42.10(c)(1) and/or one or more notices of intent to designate a

provisionally recognized PTAB attorney as back-up counsel pursuant to 37 C.F.R. § 42.10(c)(2). The above referenced Notice further provides:

A motion for *pro hac vice* admission must:

a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding; and

b. Be accompanied by an affidavit or declaration in which the individual seeking *pro hac vice* recognition attests to the following:

   i. Membership in good standing of the Bar of at least one State or the District of Columbia;

   ii. No suspensions or disbarments from practice before any court or administrative body;

   iii. No application for admission to practice before any court or administrative body ever denied;

   iv. No sanctions or contempt citations imposed by any court or administrative body;

   v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and Board's Rules of Practice for Trials set forth in of 37 CFR part 42;

   vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 CFR. 11.101 *et seq*. and disciplinary jurisdiction under 37 CFR 11.19(a);

vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three years; and

viii. Familiarity with the subject matter at issue in the proceeding.

As set forth below, and in the accompanying Declaration of Eric E. Lancaster (Ex. 1077, "Lancaster Decl."), each of these requirements is satisfied here.

III. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE ERIC E. LANCASTER *PRO HAC VICE* IN THE PROCEEDING

Mr. Lancaster is a member in good standing of the California Bar (Bar No. 244449) and is admitted to practice before the United States District Court for the Central District of California, the United States District Court for the Northern District of California, the United States District Court for the Southern District of California, the United States District Court for the Eastern District of Texas, and the United States District Court for the Western District of Texas. (Lancaster Decl. at ¶1.) Mr. Lancaster has never been suspended or disbarred from practice before any court or administrative body. (*Id*. at ¶2.) No application of Mr. Lancaster for admission to practice before any court or administrative body has ever been denied. (*Id*. at ¶3.) Nor has any court or administrative body imposed sanctions or contempt citations against Mr. Lancaster. (*Id*. at ¶4.) Mr. Lancaster has read, fully understands, and will 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. (*Id*. at ¶5.) Mr. Lancaster acknowledges and agrees that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id*. at ¶6.)

Petitioner's lead counsel in this proceeding, Lisa K. Nguyen, is a registered practitioner (Reg. No. 58,018). Moreover, as set forth below (and in his accompanying declaration), Mr. Lancaster is both an experienced and technically trained litigation attorney with an established familiarity with the subject matter at issue in this proceeding.

Mr. Lancaster received a Bachelor of Arts degree in Economics and a Bachelor of Science degree in Chemistry from the University of California, Davis in 2002. (*Id*. at ¶7.) He earned his Juris Doctor degree from Santa Clara University School of Law in 2006. (*Id*.)

Mr. Lancaster is a partner in Paul Hastings LLP intellectual property practice. (*Id*. at ¶8.) He joined the group in March 2024. (*Id.*)

Mr. Lancaster has an established familiarity with the subject matter at issue, having been actively involved in analyzing and assisting with the Petitions for *Inter Partes* Review submitted in this proceeding. (*Id*. at ¶9.)

Mr. Lancaster has been previously recognized as counsel *pro hac vice* in a Board proceeding. (*Id*. at ¶10.)

In view of Mr. Lancaster's knowledge of the subject matter at issue in this proceeding, Petitioner has a substantial need for Mr. Lancaster's *pro hac vice* admission and his involvement in the continued prosecution of this proceeding.

IV. CONCLUSION

For all of the reasons set forth above, Petitioner respectfully requests that the Board admit Eric E. Lancaster *pro hac vice* in this proceeding.

Dated: August 26, 2025

Respectfully submitted,

By: /Lisa K. Nguyen/
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CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2025, a true and correct copy of the foregoing **PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF ERIC E. LANCASTER UNDER 37 C.F.R. § 42.10(c)** is being served by electronic mail on Patent Owner's counsel of record listed below, pursuant to it Mandatory Notices:

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Dated: August 26, 2025

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