

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RESMED CORP.,
Petitioner,

v.

CLEVELAND MEDICAL DEVICES, INC.,
Patent Owner.

IPR2025-00159 (Patent 11,375,921 B1)
IPR2025-00160 (Patent 11,786,680 B1)
IPR2025-00246 (Patent 11,857,333 B1)
IPR2025-00247 (Patent 11,872,029 B1)¹

Before SHERIDAN K. SNEDDEN, NEIL T. POWELL, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motions for Admission *Pro Hac Vice* of
Eric E. Lancaster, Howard Herr, and Rachel Wu Hankinson
37 C.F.R. § 42.10

¹ We exercise our discretion to issue one Order that applies to each of the listed cases. The parties are not authorized to use this type of caption.

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Petitioner filed unopposed Motions requesting Admission *Pro Hac Vice* of Eric E. Lancaster, Howard Herr, and Rachel Wu Hankinson. Papers 20–22.² Petitioner submitted Declarations from Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson in support of the Motions. Exs. 1066, 1067, 1068.³

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. In authorizing a motion for admission *pro hac vice*, the Board requires the moving party to provide 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 the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson have sufficient qualifications to represent Petitioner in this proceeding, have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meet all other requirements for admission *pro hac vice*. *See* Ex. 1066 ¶¶ 1–10; Ex. 1067 ¶¶ 1–10; Ex. 1068 ¶¶ 1–11. Accordingly, Petitioner has established good cause for admission *pro hac vice* of Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson. Mr. Lancaster, Mr. Herr, and Ms. Wu

² We cite to Papers and Exhibits in IPR2025-00159. Similar items were filed in IPR2025-00160, IPR2025-00246, and IPR2025-00247.

³ We cite to Corrected Declarations from Mr. Lancaster and Mr. Herr submitted by Petitioner.

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Hankinson will be permitted to appear *pro hac vice* as back-up counsel only. See 37 C.F.R. § 42.10(c).

Powers of Attorney have been submitted for Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson in accordance with 37 C.F.R § 42.10(b). Paper 18. Mandatory Notices have also been submitted, identifying Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 19.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions (Paper 20; Paper 21; Paper 22) for admission *pro hac vice* of Eric E. Lancaster, Howard Herr, and Rachel Wu Hankinson are *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings, and that Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson are authorized to act only as back-up counsel;

FURTHER ORDERED that Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson be familiar with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide⁴ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FURTHER ORDERED that Mr. Lancaster, Mr. Herr, and Ms. Wu Hankinson are subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101–11.901.

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