

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

QUALICAPS CO., LTD.,
Patent Owner.

Case IPR2017-00203
Patent 6,649,180 B1

Before BRIAN P. MURPHY, CHRISTOPHER M. KAISER, and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's Motions for *Pro Hac Vice*
Admission of Megan P. Keane and Michael N. Kennedy
37 C.F.R. § 42.10

Patent Owner filed motions requesting *pro hac vice* admission of Megan P. Keane (Paper 12) and Michael N. Kennedy (Paper 13). Patent Owner submitted declarations from Ms. Keane (Ex. 2026) and Mr. Kennedy (Ex. 2027) in support of the respective motions. Patent Owner asserts that Petitioner does not oppose the motions. Paper 12, 1; Paper 13, 1.

Upon review of the record before us, we note that Powers of Attorney in accordance with 37 C.F.R. § 42.10(b) have not been submitted for Ms. Keane and Mr. Kennedy. In view thereof, and for the reasons set forth below, Patent Owner's Motions are *conditionally granted*, subject to Patent Owner filing the appropriate Powers of Attorney and updated mandatory notice.

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 *pro hac vice* admission, 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* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative "Order – Authorizing Motion for *Pro Hac Vice* Admission")).

Based on the facts set forth in the motions and the accompanying declarations, we conclude that Ms. Keane and Mr. Kennedy have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Ms. Keane and Mr. Kennedy have demonstrated sufficient

familiarity with the subject matter of this proceeding, and, that there is a need for Patent Owner to be represented by counsel with litigation experience. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Keane and Mr. Kennedy. Ms. Keane and Mr. Kennedy will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is hereby:

ORDERED that Patent Owner's motions for *pro hac vice* admission of Megan P. Keane (Paper 12) and Michael N. Kennedy (Paper 13) are *conditionally granted* provided that within seven (7) business days of the date of this order, Patent Owner must submit Powers of Attorney for Ms. Keane and Mr. Kennedy in accordance with 37 C.F.R. § 42.10(b); Ms. Keane and Mr. Kennedy are authorized to act as back-up counsel in the instant proceeding only;

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Ms. Keane and Mr. Kennedy as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Ms. Keane comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42, of the Code of Federal Regulations;

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FURTHER ORDERED that Mr. Kennedy comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42, of the Code of Federal Regulations;

FURTHER ORDERED that Ms. Keane is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*; and

FURTHER ORDERED that Mr. Kennedy is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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