

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

CIPLA LTD.,
Patent Owner.

Case IPR2017-00807
Patent 8,168,620 B2

Before BRIAN P. MURPHY, ZHENYU YANG, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for *Pro Hac Vice*
Admission of Uma N. Everett
37 C.F.R. § 42.10

On May 30, 2017, Patent Owner filed a motion for *pro hac vice* admission of Uma N. Everett. Paper 8 (“Motion”). Patent Owner submitted an affidavit from Ms. Everett in support of the Motion. Ex. 2139. Patent Owner asserts that Petitioner does not oppose the Motion. Motion 1. Upon review of the record before us, and for the reasons set forth below, Patent Owner’s Motion is *granted*.

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 5, 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 Motion and the accompanying affidavit, we conclude that Ms. Everett has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Ms. Everett has 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. *See* Ex. 2139 ¶¶ 12–16. Ms. Everett has also attested that (1) she has read and will comply with the Board’s Rules of Practice for Trials as set forth in Part 42 of Title 37, Code of Federal Regulations and the Office Patent Trial Practice Guide, and that (2) she agrees to 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 ¶¶ 9–10. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Everett. Ms. Everett will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that a power of attorney in accordance with 37 C.F.R. § 42.10(b) was submitted for Ms. Everett. Paper 3. We further note that Patent Owner’s Updated Mandatory Notice (Paper 9, 2) identifies Ms. Everett as back-up counsel. *See* 37 C.F.R. § 42.8(b)(3). Therefore, another updated mandatory notice identifying Ms. Everett as back-up counsel is not required.

Accordingly, it is hereby:

ORDERED that Patent Owner’s Motion for *pro hac vice* admission of Uma N. Everett (Paper 8) is *granted*, and Ms. Everett is authorized to act as back-up counsel in the instant proceeding only;

FURTHER ORDERED that Patent Owner shall continue to have a registered practitioner as lead counsel in the instant proceeding;

FURTHER ORDERED that Ms. Everett shall 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. Everett is subject to the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and the USPTO’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

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