

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KVK-TECH, INC.
Petitioner,

v.

SHIRE PLC
Patent Owner.

Case IPR2018-00290 (Patent 8,846,100 B2)
Case IPR2018-00293 (Patent 9,173,857 B2)¹

Before RAMA G. ELLURU, SHERIDAN K. SNEDDEN, and
DEVON ZASTROW NEWMAN, *Administrative Patent Judges*.

ELLURU, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motions for Admission
Pro Hac Vice of Thomas Hedemann and Chad Landmon
37 C.F.R. § 42.10

¹ This Decision addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Decision to be entered in each proceeding. The parties are not authorized to use this joint heading and filing style in their papers.

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On January 9, 2018, Petitioner filed motions for admission *pro hac vice* of Chad Landmon and Thomas Hedemann in the above-identified proceedings (collectively “Motions”). Papers 4 and 5.² Petitioner also filed declarations of Mr. Landmon and Mr. Hedemann in support of the Motions (collectively “Declarations”). Ex. 1041 and 1042.³ Patent Owner has not filed an opposition to the Motions. For the reasons provided below, Petitioner’s Motions are *granted*.

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* Paper 7, 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 Mr. Landmon and Mr. Hedemann have sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Landmon and Mr. Hedemann have demonstrated sufficient familiarity with the subject matter of these proceedings, and that Petitioner’s intent to be represented by counsel with litigation experience is warranted. For example, Mr. Landmon and Mr. Hedemann both attest that they “have represented a number of life sciences and pharmaceutical companies in patent litigation matters before federal

² For purposes of expediency, we cite to Papers filed in IPR2018-00290. Similar Motions were filed in IPR2018-00293 (Papers 4 and 5).

³ Similar Declarations were filed in IPR2018-00293 (Ex. 1041 and 1042).

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district courts and appellate courts,” and are “intimately familiar” with the patents at issue and “with amphetamine salt formations, such as Adderall XR[®]”. Ex. 1041 ¶ 11; Ex. 1042 ¶ 10. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Landmon and Mr. Hedemann. Mr. Landmon and Mr. Hedemann will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Petitioner’s Motions for *pro hac vice* admission of Chad Landmon and Thomas Hedemann are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Mr. Landmon and Mr. Hedemann are authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Landmon and Mr. Hedemann shall comply with the Office Patent Trial Practice Guide 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. Landmon and Mr. Hedemann shall be 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 *et. seq.*;

and

FURTHER ORDERED that Petitioner must file, within seven (7) business days of the date of this order, updated mandatory notices in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Landmon and Mr. Hedemann as back-up counsel;

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FURTHER ORDERED that Petitioner must file, within seven (7) business days of the date of this order, a Power of Attorney for Mr. Landmon and Mr. Hedemann in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b).

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PETITIONER:

Jonathan A. Harris

James T. Evans

AXINN, VELTROP & HARKRIDER LLP

jharris@axinn.com

jevans@axinn.com

PATENT OWNER:

Joseph R. Robinson

Robert Schaffer

Dustin B. Weeks

TROUTMAN SANDERS LLP

joseph.robinson@troutmansanders.com

robert.schaffer@troutmansanders.com

dustin.weeks@troutmansanders.com