

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIQUIDIA TECHNOLOGIES, INC.,  
Petitioner,

v.

UNITED THERAPEUTICS CORPORATION,  
Patent Owner.

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IPR2021-00406  
Patent 10,716,793 B2

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Before ERICA A. FRANKLIN, CHRISTOPHER M. KAISER, and  
DAVID COTTA, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER  
Granting Petitioner's Motion for *Pro Hac Vice* Admission of  
Jonathan Davies  
*37 C.F.R. § 42.10*

On January 4, 2022, Liquidia Technologies, Inc. (“Petitioner”) filed a Motion for *Pro Hac Vice* Admission of Jonathan Davies in the above-captioned proceeding. Paper 34. The Motion is supported by a Declaration of Mr. Davies. Ex. 1083. Petitioner represents in the Motion that Mr. Davies is an experienced patent litigation attorney and that good cause exists for the Board to recognize Mr. Davies *pro hac vice*. Paper 34, 1–2. Mr. Davies represents that he has sufficient familiarity with the subject matter at issue in this proceeding. Ex. 1083 ¶¶ 8–9. Patent Owner, United Therapeutics Corporation, has not opposed the Motion. Paper 34, 1.

In accordance with 37 C.F.R. § 42.10(c), the Board 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 good cause exists 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 4, 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”)).

The Board has reviewed Petitioner’s submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met and good cause exists to admit Mr. Davies *pro hac vice* in this proceeding.

It is therefore,

ORDERED that the Petitioner’s Motion seeking admission *pro hac vice* for Jonathan Davies in this proceeding is GRANTED;

FURTHER ORDERED that Mr. Davies is authorized to represent Petitioner as back-up counsel only, and that Petitioner is to continue to have a registered practitioner represent it as lead counsel;

FURTHER ORDERED that Mr. Davies is to comply with the Consolidated Trial Practice Guide<sup>1</sup> (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Mr. Davies 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.*

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<sup>1</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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