

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VANTAGE SPECIALTY CHEMICALS, INC.,
Petitioner,

v.

CARGILL, INC.,
Patent Owner.

IPR2023-00589
Patent 11,248,245 B2

Before SHERIDAN K. SNEDDEN, TIMOTHY G. MAJORS, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

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

On September 20, 2023, Petitioner filed a Motion for *Pro Hac Vice* Admission of Thomas R. Makin. Paper 14. The Motion is supported by a Declaration of Mr. Makin. Ex. 1031. Petitioner indicates that Patent Owner does not oppose the Motion. Paper 14, 1.

Upon review of the record before us, we determine that the requirements of 37 C.F.R. § 42.10 have been met and there is good cause to admit Mr. Makin *pro hac vice*. In particular, Mr. Makin indicates that he is an experienced litigating attorney and has established familiarity with the subject matter in this proceeding through representation of Petitioner in the related district court case. See Paper 14, 2; Ex. 1031 ¶¶ 4, 5.

It is, therefore,

ORDERED that Petitioner's Motion for *Pro Hac Vice* Admission of Thomas R. Makin is granted; Mr. Makin is authorized to act only as back-up counsel;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel;

FURTHER ORDERED that Mr. Makin is to comply with the Consolidated Trial Practice Guide¹ (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

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

FURTHER ORDERED that Mr. Makin is to 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.*²

² Although Mr. Makin refers to the USPTO “Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *e[t] seq.*” (Ex. 1031 ¶ 10), this set of ethics rules was replaced by the USPTO Rules of Professional Conduct. We deem this harmless error, as Mr. Makin acknowledges he “also will be subject to the USPTO Rules of Professional Conduct” *Id.*

IPR2023-00589

Patent 11,248,245 B2

PETITIONER:

Eric Lucas

Yue Wang

SHEARMAN & STERLING LLP

Eric.lucas@shearman.com

Joy.wang@shearman.com

PATENT OWNER:

W. Karl Renner Grace

Kim Joshua Rosefelt

FISH & RICHARDSON P.C.

axf-ptab@fr.com

gkim@fr.com

rosefelt@fr.com