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Paper 7
Entered: November 2, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION and
EDWARDS LIFESCIENCES LLC,
Petitioner,

v.

AORTIC INNOVATIONS LLC,
Patent Owner.

IPR2023-01151 (Patent 11,337,834 B2)
IPR2023-01232 (Patent 11,389,310 B2)
IPR2023-01325 (Patent 11,491,033 B2)

Before JOHN G. NEW, RYAN H. FLAX, and TIMOTHY G. MAJORS, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

ORDER[1]
Granting Patent Owner's Motions for
Pro Hac Vice Admission of Nathan Nobu Lowenstein
37 C.F.R. § 42.10

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[1] The combined caption is for administrative convenience only and does not indicate that IPR2023-01151, IPR2023-01232, and IPR2023-01325 have been consolidated. The parties are not authorized to use this caption without express permission of the Board.

Patent Owner filed motions requesting *pro hac vice* admission of Nathan Nobu Lowenstein in each of the above-identified proceedings (collectively "Motions"). Paper 7.[2] Patent Owner also submitted Declarations from Nathan Nobu Lowenstein in support of the Motions (collectively "Declarations"). Ex. 2001. Patent Owner represents that Petitioner does not oppose the Motions. Motion 4.

For the reasons provided below, the Motions are each *granted*.

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, subject to the condition that lead counsel be a registered practitioner. 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 Unified Patents, Inc. v. Parallel Iron, LLC*, 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. Lowenstein has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meets all other requirements for admission *pro hac vice*. *See* Declarations. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Lowenstein. Mr. Lowenstein

[2] For purposes of expediency, we cite to Papers and Exhibits filed in IPR2023-01151. Patent Owner filed similar Papers and Exhibits in IPR2023-01232 and IPR2023-01325 for the Motions and Declarations.

will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Mr. Lowenstein in accordance with 37 C.F.R. § 42.10(b). IPR2023-01151, Paper 5; IPR2023-01232, Paper 5; IPR2023-01325, Paper 5.[3] Patent Owner has also filed Mandatory Notices identifying Mr. Lowenstein as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-01151, Paper 5; IPR2023-01232, Paper 4; IPR2023-01325, Paper 4.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Nathan Nobu Lowenstein are *granted*;

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

FURTHER ORDERED that Mr. Lowenstein is authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Lowenstein comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide[4] (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

FURTHER ORDERED that Mr. Lowenstein is 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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[3] The Power of Attorney was filed with Patent Owner's Mandatory Notices as a combined paper in IPR2023-01151. IPR2023-01151, Paper 5.
[4] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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