UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEURENT MEDICAL INC. & NEURENT MEDICAL LTD.

Petitioners,

v.

AERIN MEDICAL INC.,

Patent Owner.

Case No. IPR2024-00278

U.S. Patent No. 11,033,318

PETITIONERS' UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF GREGORY H. LANTIER PURSUANT TO 37 C.F.R. § 42.10(c)

I. STATEMENT OF RELIEF REQUESTED

Petitioners Neurent Medical Inc. and Neurent Medical Ltd. (collectively, "Neurent" or "Petitioners") respectfully requests that the Patent Trial and Appeal Board ("Board") enter an order granting the *pro hac vice* admission of Gregory H. Lantier as back-up counsel for Petitioners in this proceeding, Case No. IPR2024-00278.[1] Petitioners have conferred with counsel for Patent Owner, and Patent Owner does not oppose this motion.

II. APPLICABLE RULES

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 and to any other conditions as the Board may impose." "[A] motion to appear *pro hac vice* by counsel who is not a registered

[1] Petitioners are concurrently filing an unopposed motion to admit Gregory H. Lantier as back-up counsel for Petitioners in the following related proceedings, Case Nos. IPR2024-00275, IPR2024-00276, IPR2024-00277, IPR2024-00279, IPR2024-00280, IPR2024-00282, and IPR2024-00669. *See* Petitioners' First Updated Mandatory Notices, IPR2024-00278, Paper 8 at 2-3 (identifying related IPR proceedings).

practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." *Id.*

The PTAB set forth requirements for filing motions for pro hac vice admission in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639, Paper 7 ("Order – Authorizing Motion For Pro Hac Vice Admission – 37 C.F.R. §42.10") (PTAB Oct. 15, 2013). A motion seeking *pro hac vice* admission must be filed no sooner than twenty-one (21) days after service of the petition, must contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding, and must be accompanied by a declaration or affidavit of the individual seeking *pro hac vice* admission. *Id.* at 2-3. The affidavit or declaration must attest to: (1) membership in good standing of the Bar of at least one State or the District of Columbia; (2) no suspensions or disbarments from any practice before any court or administrative body; (3) no application for admission to practice before any court or administrative body ever denied; (4) no sanctions or contempt citations imposed by any court or administrative body; (5) the individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.; (6) the individual will 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); (7) all other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and (8) familiarity with the subject matter at issue in the proceeding. *Id.*

III. FACTS DEMONSTRATING GOOD CAUSE FOR THE BOARD TO RECOGNIZE GREGORY H. LANTIER *PRO HAC VICE* DURING THIS PROCEEDING

On January 18, 2024, Petitioners filed a petition for inter partes review in IPR2024-00278 directed to U.S. Patent No. 11,033,318. Petitioners' lead counsel, David Cavanaugh, is a registered practitioner (Registration No. 36,476). Gregory H. Lantier, a partner at Wilmer Cutler Pickering Hale and Dorr LLP, seeks *pro hac vice* admission in this proceeding. Accompanying this motion as Exhibit 1081 is the Declaration of Gregory H. Lantier in Support of Motion for Admission *Pro Hac Vice* ("Lantier Decl.").

Mr. Lantier is a member of good standing of the Bars of the District of Columbia, the State of Virginia, the State of Wyoming, and the State of New York. *See* Lantier Decl., ¶¶2-4 (Ex.1081). He has never been suspended or disbarred from practice before any court or administrative body, and he has never been denied admission to practice before any court or administrative body. *See* Lantier Decl.

¶¶5-6 (Ex.1081). No court or administrative body has ever imposed sanctions or contempt citations on Mr. Lantier. *See* Lantier Decl. ¶7 (Ex.1081).

Mr. Lantier has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R. Mr. Lantier understands that he will 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). *See* Lantier Decl. ¶¶8-9 (Ex.1081).

Mr. Lantier has appeared *pro hac vice* in the following proceedings before the United States Patent and Trademark Office in the last three years: *PNC Bank, NA. v. USAA*, Case No. IPR2022-00076; *PNC Bank, NA. v. USAA*, Case No. IPR2022-00075; *Medtronic Vascular, Inc. v. TMT Systems, Inc.*, Case. No. IPR2021-01532; *Intel Corp. v. VLSI Tech. LLC*, Case No. IPR2021-01192; *USAA v. PNC Bank, NA.*, IPR2021-01163; *USAA v. PNC Bank, NA.*, IPR2021-01248; *PNC Bank, NA. v. USAA*, IPR2021-01077; *PNC Bank, NA. v. USAA*, Case No. IPR2021- 01073; and *PNC Bank, NA. v. USAA*, Case No. IPR2021-01070. *See* Lantier Decl. ¶10 (Ex.1081).

As his accompanying declaration demonstrates, Mr. Lantier has an established familiarity with the subject matter at issue in this proceeding. Mr. Lantier is an experienced patent litigator with more than twenty years of experience. *See* Lantier

Decl. ¶2 (Ex.1081). Mr. Lantier has reviewed the '318 patent and its file history, as well as the Petition, Institution Decision, and the exhibits in this proceeding. *See* Lantier Decl. ¶11 (Ex.1081). Mr. Lantier has been involved in numerous patent litigations and has extensive experience with the USPTO's rules and regulations. *See* Lantier Decl. ¶¶2, 10 (Ex.1081). Furthermore, Mr. Lantier represents Petitioners in *Aerin Medical Inc. and The Foundry LLC v. Neurent Medical Inc. and Neurent Medical Ltd.*, Case No. 1:23-cv-00756-JLH (D. Del.), the related district court litigation identified in Petitioners' Mandatory Notices.[2] *See* Lantier Decl. ¶12 (Ex.1081). Through this litigation, Mr. Lantier developed extensive experience with the subject matter at issue in this proceeding.

IV. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Board admit Gregory H. Lantier *pro hac vice* in this proceeding.

[2] *See* Petitioners' First Updated Mandatory Notices, IPR2024-00278, Paper 8 at 2 (identifying related district court litigation).

Respectfully submitted,

By: /David L. Cavanaugh/
David L. Cavanaugh
Registration No. 36,476

Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that, on September 19, 2024, I caused a true and correct copy of the following materials:

- Petitioners' Unopposed Motion for *Pro Hac Vice* Admission of Gregory H. Lantier Pursuant to 37 C.F.R. § 42.10(c)
- Petitioners' Updated Table of Exhibits
- Exhibit 1081

to be served on Patent Owner via electronic mail to:

Heath J. Briggs, BriggsH@gtlaw.com;

Kathleen A. Daley, kathleen.daley@finnegan.com;

Sonja W. Sahlsten, sonja.sahlsten@finnegan.com;

Jason Stach, jason.stach@finnegan.com;

Anthony J. Berlenbach, anthony.berlenbach@finnegan.com;

Christopher C. Howes, christopher.howes@finnegan.com;

Kathleen C. Galleher, kathleen.hanley@finnegan.com;

Trenton Ward, Trenton.Ward@gtlaw.com;

Benjamin P. Gilford, gilfordb@gtlaw.com;

Elana Araj, Elana.Araj@gtlaw.com; and

Stephen M. Ullmer, UllmerS@gtlaw.com.

/Gilbert Smolenski/
Gilbert Smolenski
Registration No. 78,549

Petitioners' Table of Exhibits

Exhibit	Description
1001	U.S. Patent No. 11,033,318 ("'318 patent")
1002	Declaration of Dr. Gregory Martin
1003	File History of U.S. Patent No. 11,033,318
1004-1005	RESERVED
1006	District Court Amended Complaint
1007	District Court Amended Complaint Exhibit X
1008	Docket Navigator District of Delaware Statistics as of January 18, 2024
1009	RESERVED
1010	U.S. Patent No. 6,517,535 ("Edwards-'535")
1011	U.S. Patent No. 5,575,788 ("Baker")
1012	U.S. Patent No. 5,891,134 ("Goble")
1013	WO 2010/077980 ("Baker-'980")
1014	RESERVED
1015	U.S. Patent No. 6,033,397 ("Laufer")
1016	U.S. Patent No. 6,273,886 ("Edwards-'886")
1017-1020	RESERVED
1021	U.S. Patent App. No. 2005/0240147 ("Makower")
1022	U.S. Patent App. No. 2006/0064086 ("Odom")
1023	Coste et al., Radiofrequency Is a Safe and Effective Treatment of Turbinate Hypertrophy, LARYNGOSCOPE, 111(5) (2001) ("Coste")
1024	WO1999030655A1 ("Hovda")
1025-1029	RESERVED
1030	U.S. Patent No. 8,979,841 ("Kunis")
1031	Hytönen et al., Radiofrequency Thermal Ablation for Patients with Nasal Symptoms: A Systematic Review of Effectiveness and Complications, 266 EUR. ARCH. OTORHINOLARYNGOL. (2009) ("Hytönen")
1032	RESERVED
1033	U.S. Patent No. 5,562,720 ("Stern")
1034	U.S. Patent Application No. 2007/0287994 ("Patel")

Exhibit	Description
1035	M. Philippson, Principles of Electrical Resistance of Living Tissue, BULL. CL. SCI. ACAD. R. BELG. ser. 5, vol. 7 (1921) (English Translation) ("Philippson")
1036-1044	RESERVED
1045	U.S. Patent No. 5,507,725 ("Savage")
1046-1049	RESERVED
1050	Hong, Radiofrequency Ablation: Mechanism of Action and Devices, J. VASC. INTERV. RADIOL. 21 (2010) ("Hong")
1051	Haemmerich, Biophysics of Radiofrequency Ablation, CRITICAL REVIEWS IN BIOMEDICAL ENGINEERING, 38(1) (2010) ("Haemmerich")
1052	Sackenheim, Radio Frequency Ablation the Key to Cancer Treatment, J. DIAGNOSTIC MEDICAL SONOGRAPHY Vol.19, No. 2 (2003) ("Sackenheim")
1053	Bronzino, Medical Devices and Systems, Chapter 13, THE BIOMEDICAL ENGINEERING HANDBOOK 3E (2006) ("Bronzino")
1054	Koyyalagunta et al., Radiofrequency and Cryoablation for Cancer Pain, TECHNIQUES IN REGIONAL ANESTHESIA & PAIN MANAGEMENT Vol.14 (2010) ("Koyyalagunta")
1055	RESERVED
1056	Liang et al., Radiofrequency Treatment of Ethmoidal Nerve with Allergic Rhinitis Under Nasal Endoscopy, 13:8 J. CLIN OTORHINOLARYNGOL. (China) 341 (August 1999) (English Translation) ("Liang")
1057-1060	RESERVED
1061	Szold, Nitinol: Shape-Memory and Super-Elastic Materials in Surgery, 20 SURGICAL ENDOSCOPY & OTHER INTERVENTIONAL TECHNIQUES (2006) ("Szold")
1062	Sedra et al., MICROELECTRONIC CIRCUITS (3d Ed. 1991) (Excerpts) ("Sedra")
1063-1066	RESERVED
1067	U.S. Patent No. 5,505,730 ("Edwards-'730")
1068-1071	RESERVED
1072	Translator Declarations for Liang
1073-1080	RESERVED

Exhibit	Description
1081	Declaration of Gregory H. Lantier
1082	Declaration of Joshua L. Stern