UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEURENT MEDICAL INC. & NEURENT MEDICAL LTD.

Petitioners,

v.

THE FOUNDRY, LLC,

Patent Owner.

Case No. IPR2024-00280

U.S. Patent No. 10,894,011

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. IPR2024-00280.[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, IPR2024-00278, IPR2024-00279, IPR2024-00282, and IPR2024-00669. *See* Petitioners' First Updated Mandatory Notices, IPR2024-00280, 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 IPR2024-00280 directed to U.S. Patent No. 10,894,011. 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 1087 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.1087). 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.1087). No court or administrative body has ever imposed sanctions or contempt citations on Mr. Lantier. *See* Lantier Decl. ¶7 (Ex.1087).

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.1087).

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.1087).

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.1087). Mr. Lantier has reviewed the '011 patent and its file history, as well as the Petition, Institution Decision, and the exhibits in this proceeding. *See* Lantier Decl. ¶11 (Ex.1087). 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.1087). 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.1087). 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, IPR2024-00280, 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 1087

to be served on Patent Owner via electronic mail to:

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Petitioners' Table of Exhibits

No.	Description
1001.	U.S. Patent No. 10,894,011
1002.	Declaration of Dr. Nicolas Bu-Saba
1003.	U.S. Patent No 10,307,200 to Saadat
1004.	U.S. Patent Pub. No. 2008/0021369 to Deem
1005.	U.S. Patent Pub. No. 2005/0240147 to Makower
1006.	Fang (Translation)
1007.	Reserved
1008.	U.S. Patent No. 6,517,535 to Edwards
1009.	U.S. Patent No. 5,562,720 to Stern
1010.	U.S. Provisional Appl. No. 60/702,077
1011.	U.S. Provisional Appl. No. 60/747,771
1012.	U.S. Patent No. 7,608,275
1013.	U.S. Patent No. 8,133,497
1014.	U.S. Patent No. 8,338,164
1015.	U.S. Patent No. 8,961,391
1016.	U.S. Patent No. 9,498,283
1017.	U.S. Patent No. 10,022,529
1018.	Prosecution history for U.S. Patent No. 10,022,529
1019.	U.S. Patent No. 10,729,897
1020.	Prosecution history for U.S. Patent No. 10,729,897
1021.	U.S. Patent No. 10,610,675
1022.	Prosecution History for U.S. Patent No. 10,610,675
1023.	Reserved
1024.	Prosecution History for U.S. Patent No. 10,894,011
1025.	Reserved
1026.	U.S. Patent No. 7,655,243
1027.	Prosecution History for U.S. Patent No. 7,655,243
1028.	Prosecution History for U.S. Patent No. 8,636,684
1029.	U.S. Patent No. 8,105,817
1030.	U.S. Patent No. 8,636,684
1031.	U.S. Patent Pub. No. 2014/0114233
1032.	U.S. Patent No. 9,700,707
1033.	U.S. Patent No. 10,052,465

No.	Description
1034.	File History for U.S. Patent No. 10,335,221 assigned to Aerin
1035.	*Aerin Medical Inc. v. Neurent Medical Inc.*, 1:23-cv-00756-GBW, Amended Complaint for Patent Infringement, Dkt. 17 (October 16, 2023) ("Amended Complaint")
1036.	Reserved
1037.	Exhibit W to Amended Complaint – Foundry's Infringement Allegations for U.S. Patent No. 10,894,011
1038.	Reserved
1039.	Docket Navigator District of Delaware Statistics as of January 18, 2024
1040.	U.S. Patent No. 8,939,970 to Stone
1041.	Stedman's Medical Dictionary (27th ed. 2001)
1042.	PDR Medical Dictionary (2nd ed. 2000)
1043.	Kong Yonggang, *Low-temperature plasma ablation of inferior turbinate for the treatment of perennial allergic rhinitis*, 19(5) J Clin. Otorhinolaryngol 214 (Mar. 2005) (Translation) ("Kong")
1044.	Chen Shi-qiang et al., *Preliminary study on radiofrequency thermocoagulation of the posterior inferior nerve, anterior ethmoidal nerve, and inferior turbinate under nasal endoscopy for the treatment of perennial allergic rhinitis*, 11(3) China Journal of Endoscopy 239 (Mar. 2005) (Translation) ("Chen")
1045.	Liang Jianping, *Radiofrequency treatment of ethmoidal nerve with allergic rhinitis under nasal endoscopy*, 13(8) J Clin. Otorhinolaryngol 341 (Aug. 1999) (Translation) ("Liang")
1046.	U.S. Patent No. 6,669,689 to Lehmann
1047.	U.S. Patent No. 6,685,648 to Flaherty
1048.	Stedman's Medical Dictionary (26th ed. 1995)
1049.	Webster's Third New International Dictionary (2002)
1050.	Seth Waxman, *Correlative Neuroanatomy* (23rd ed. 1996)
1051.	Robert E. Windsor and Scott Jahnke, *Sphenopalatine Ganglion Blockage: A Review and Proposed Modification of the Transnasal Technique*, Pain Physician 7:283-286 (2004)

No.	Description
1052.	Ralph Fenton, *Current Evaluation of Nasopharyngeal Defense Mechanisms* (1955)
1053.	U.S. Patent No. 6,517,534 to McGovern
1054.	M.M. L. Arora, *Cryodestruction of Vidian Nerve Branches*, 32:3 Indian J. Otolaryngology 80 (Sept. 1980)
1055.	U.S. Patent Pub. No. 2014/0243793 to Morriss
1056.	Maureen Sackenheim, Radio Frequency Ablation, JDMS 19:88-92 (March/April 2003)
1057.	U.S. Patent No. 5,766,605 to Sanders
1058.	U.S. Patent No. 874,178 to De Forest
1059.	U.S. Patent Pub. No. 2005/0171574 to Rubinsky
1060.	U.S. Patent No. 3,538,919 to Meyer
1061.	U.S. Patent No. 3,117,571 to Fry
1062.	International Pub. No. 2016/183337 to Townley
1063.	Reserved
1064.	Andrew Lane, *Nasal anatomy and physiology*, Facial Plast. Surg. Clin. N. Am. 12:387-395 (2004)
1065.	Gray's Anatomy (2003)
1066.	U.S. Patent No. 6,273,886 to Edwards
1067.	Reserved
1068.	U.S. Patent No. 5,255,679 to Imran
1069.	Reserved
1070.	Declaration of June Munford
1071.	Translator Declarations for Chen
1072.	Translator Declarations for Liang
1073.	Translator Declarations for Fang
1074.	Translator Declarations for Kong
1075.	Munford Appendices for Chen
1076.	Munford Appendices for Liang
1077.	Munford Appendices for Fang
1078.	Munford Appendices for Kong
1079.	Munford Appendices for Shanghai
1080.	Reserved
1081.	Reserved
1082.	Reserved
1083.	Reserved

No.	Description
1084.	Reserved
1085.	Reserved
1086.	Reserved
1087.	Declaration of Gregory H. Lantier
1088.	Declaration of Joshua L. Stern