

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEURENT MEDICAL INC. & NEURENT MEDICAL LTD.,
Petitioner,

v.

AERIN MEDICAL INC.,
Patent Owner.

IPR2024-00275 (Patent 9,072,597 B2)
IPR2024-00276 (Patent 9,415,194 B2)
IPR2024-00277 (Patent 11,241,271 B2)
IPR2024-00278 (Patent 11,033,318 B2)
IPR2024-00282 (Patent 11,766,286 B2)¹

Before MICHAEL J. FITZPATRICK, ZHENYU YANG, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion for
Pro Hac Vice Admission of Joshua L. Stern and Gregory H. Lantier
37 C.F.R. § 42.10

¹ This Order employs a joint caption because it is being entered in all five proceedings. The parties are not authorized to use a joint caption.

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Neurent Medical Inc. and Neurent Medical Ltd. (collectively, “Petitioner”) filed Motions requesting *pro hac vice* admission of Mr. Joshua L. Stern and Mr. Gregory H. Lantier in each proceeding. Paper 15; Paper 16.² Petitioner also submitted Declarations from Mr. Stern and Mr. Lantier in support of the Motions in each proceeding. Ex. 1082; Ex. 1081. Petitioner attests that Patent Owner does not oppose the Motions. Paper 15, 2; Paper 16, 2. Petitioner has filed a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) including Mr. Lantier and Mr. Stern. Paper 1. Also, Petitioner has filed Mandatory Notices identifying Mr. Lantier and Mr. Stern as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Pet. 3.

For the reasons provided below, Petitioner’s Motions are *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. Lantier and Mr. Stern have sufficient

² We refer to papers and exhibits in IPR2024-00275. Corresponding documents were filed in the other four cases.

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legal and technical qualifications to represent Petitioner in these proceedings, have demonstrated sufficient litigation experience and familiarity with the subject matter of each proceeding, and meet all other requirements for admission *pro hac vice*. See Ex. 1081; Ex. 1082. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Lantier and Mr. Stern, each of whom will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Joshua L. Stern are *granted*;

FURTHER ORDERED that Petitioner's Motions for *pro hac vice* admission of Gregory H. Lantier are *granted*;

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

FURTHER ORDERED that Mr. Lantier and Mr. Stern are authorized to represent Petitioner as back-up counsel only in each proceeding;

FURTHER ORDERED that Mr. Lantier and Mr. Stern each be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide³ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Lantier and Mr. Stern are subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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