

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AIR PRODUCTS and CHEMICALS, INC.,
Petitioner,

v.

EVONIK OPERATIONS GMBH and
EVONIK CORPORATION,
Patent Owner

Case IPR2024-00611
Patent 10,471,380 B2

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

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 6 authorizing the parties to file motions for *pro hac vice* admissions under 37 C.F.R. § 42.10(c), Patent Owner (“Evonik”) requests that the Patent Trial and Appeal Board (the “Board”) admit Gregory H. Lantier *pro hac vice* in this proceeding, IPR2024-00611. The parties have conferred, and the Petitioner 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 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. STATEMENT OF FACTS DEMONSTRATING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* DURING THIS PROCEEDING

Patent Owner's lead counsel, Philip Braginsky is a registered practitioner (Registration No. 40,527). First backup counsel, Rachel Lin, is also a registered practitioner (Registration No. 51,098). 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 2007 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. 2007). 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. 2007). No court or administrative body has ever imposed sanctions or contempt citations on Mr. Lantier. *See* Lantier Decl. ¶7 (Ex. 2007).

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. 2007).

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; *PNC Bank, NA. v. USAA*, Case No. IPR2021-01070; and *Dropbox, Inc. v. Motion Offense, LLC*,

Case No. IPR2024-00286.¹ See Lantier Decl. ¶10 (Ex. 2007).

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.2007). Mr. Lantier has reviewed the '380 patent and its file history, as well as the Papers, and the Exhibits in this proceeding. See Lantier Decl. ¶11 (Ex.2007). 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.2007).

IV. CONCLUSION

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

¹ Gregory H. Lantier has also been admitted as back-up counsel in *Neurent Medical Ltd. v. Aerin Medical Inc.*, IPR2024-00275, IPR2024-00276, IPR2024-00277, IPR2024-00278, IPR2024-00279, IPR2024-00280, IPR2024-00282, and IPR2024-00669.

Respectfully Submitted,

/Philip Y. Braginsky/

Philip Y. Braginsky

Registration No. 40,527

Tarter Krinsky & Drogin LLP

1350 Broadway

New York, NY 10018

Counsel for Patent Owner

PATENT OWNER'S UPDATED TABLE OF EXHIBITS

Exhibit No.	Description
2001	Expert Declaration of Markus Ungerank in Support of Patent Owner's Preliminary Response to Petition for <i>Inter Partes</i> Review of United States Patent No. 10,471,380
2002	Curriculum Vitae of Markus Ungerank
2003	Membrane Plants, LINDE ENGINEERING, https://www.linde-engineering.com/en/process-plants/adsorption-and-membrane-plants/membrane-plants/index.html (last visited June 13, 2024).
2004	Charles L. Anderson & Anggiat Siahaan, <i>Case Study: Membrane CO₂ Removal From Natural Gas, Grissik Gas Plant, Sumatra, Indonesia</i> , https://catalysts.basf.com/files/pdf/Membrane-Protection_Medal-Article-Grissik.pdf .
2005	Expunged
2006	Declaration of Janet B. Linn
2007	Declaration of Gregory H. Lantier

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2024, I caused a true and correct copy of the foregoing materials:

- Patent Owner's Motion for *Pro Hac Vice* Admission of Gregory H. Lantier
- Patent Owner's Updated Table of Exhibits
- Exhibit 2007

to be served via email, as consented to by Petitioner, to:

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