

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.

IPR2024-00611
Patent 10,471,380 B2

Before JEFFREY W. ABRAHAM, AVELYN M. ROSS, and
MICHAEL G. McMANUS, *Administrative Patent Judges*.

McMANUS, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for *Pro Hac Vice* Admission of
Janet B. Linn and Gregory H. Lantier
37 C.F.R. § 42.10

On December 5, 2024, Patent Owner filed motions requesting *pro hac vice* admission of Janet B. Linn and Gregory H. Lantier. Papers 19 and 20 (collectively “Motions”). Patent Owner also submitted Declarations from Janet B. Linn (Ex. 2006) and Gregory H. Lantier (Ex. 2007) in support of the Motions (collectively “Declarations”). Patent Owner attests that Petitioner does not oppose the Motions. Paper 19,1; Paper 20, 1.

For the reasons provided below, Patent Owner’s Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), 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* 37 C.F.R. § 42.10(c)(1); *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 Ms. Linn and Mr. Lantier each have sufficient qualifications to represent Patent Owner in this proceeding, that Ms. Linn and Mr. Lantier have each demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and that Ms. Linn and Mr. Lantier meet all other requirements for admission *pro hac vice*. *See* Exs. 2006 and 2007. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Linn and Mr.

Lantier. Ms. Linn and Mr. Lantier will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Patent Owner filed a Power of Attorney including Ms. Linn and a Power of Attorney including Mr. Lantier in accordance with 37 C.F.R. § 42.10(b). Papers 22, 23. Patent Owner has also filed Mandatory Notices identifying Ms. Linn and Mr. Lantier as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 21, 3.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Janet B. Linn and Gregory H. Lantier are *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Ms. Linn and Mr. Lantier are authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Linn and Mr. Lantier be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (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; and

FURTHER ORDERED that Ms. Linn and Mr. Lantier are 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.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FOR PETITIONER:

Grace Kim
Gwilym J. Attwell
Josh Griswold
FISH & RICHARDSON P.C.
gkim@fr.com
attwell@fr.com
griswold@fr.com

FOR PATENT OWNER:

Philip Y. Braginsky
Rachel J. Lin
Nels T. Lipper
Tarter, Krinsky & Drogin LLP
pbraginsky@tarterkrinsky.com
nlippert@tarterkrinsky.com
rlin@tarterkrinsky.com