

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 JO-ANNE M. KOKOSKI, AVELYN M. ROSS, and
ALYSSA A. FINAMORE, *Administrative Patent Judges*.

PER CURIAM

DECISION
Granting Patent Owner's Motion for
Admission *Pro Hac Vice* of Jason H. Liss
37 C.F.R. § 42.10

On March 26, 2025, Patent Owner filed a motion for admission *pro hac vice* of Mr. Jason H. Liss. Paper 31 (“Mot.”). The Motion was accompanied by a Declaration from Mr. Liss. Ex. 2017. Patent Owner states that Petitioner does not oppose the Motion. Mot. 2.

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. In its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Liss has sufficient legal qualification to represent Patent Owner in this proceeding, that he has demonstrated sufficient familiarity with the subject matter of this proceeding, that he meets all other requirements for admission *pro hac vice*, and that Patent Owner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Liss, who will be permitted to serve only as back-up counsel. *See* 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Mr. Liss in accordance with 37 C.F.R. § 42.10(b). Paper 23. Patent Owner,

however, has not filed Mandatory Notices identifying Mr. Liss as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

ORDER

It is:

ORDERED that Patent Owner's motion for *pro hac vice* admission of Jason H. Liss is *granted*, and Mr. Liss is authorized to represent Patent Owner only as back-up counsel in this proceeding;

FURTHER ORDERED that within ten (10) business days of the date of this Order, Patent Owner shall file updated Mandatory Notices in accordance with 37 C.F.R. § 42.8(b)(3) identifying Mr. Liss as back-up counsel;

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

FURTHER ORDERED that Mr. Liss is to comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and 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 Mr. Liss is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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

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