

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS, INC.,
Petitioner,

v.

NIVAGEN PHARMACEUTICALS, INC.,
Patent Owner.

IPR2025-00731 (Patent 11,925,661 B2)
IPR2025-00779 (Patent 11,813,291 B2)¹

Before ZHENYU YANG, TAWEN CHANG, and MICHAEL A. VALEK,
Administrative Patent Judges.

VALEK, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion for Admission
Pro Hac Vice of Yixin H. Tang
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in all above-captioned proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

Patent Owner filed a motion requesting *pro hac vice* admission of Yixin H. Tang in each of these proceedings. Paper 6² (“Motion”). Patent Owner submitted a Declaration from Yixin H. Tang in support of the Motion. Paper 6, 7–11³ (“Declaration”). Petitioner has not opposed this Motion. Motion 2. For the reasons provided below, Patent Owner’s Motion is *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 Motion and the accompanying Declaration, we conclude that Yixin H. Tang has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Yixin H. Tang has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, that Yixin H. Tang meets all other requirements for admission *pro hac vice*. *See* Declaration

² Paper and exhibit numbers refer to Proceeding IPR2025-00731. Corresponding papers and exhibits were filed in IPR2025-00779.

³ Patent Owner filed the declaration as part of the Motion, rather than in the form of an exhibit. This was a mistake because “[e]vidence consists of affidavits” and the like and “[a]ll evidence must be filed in the form of an exhibit.” 37 C.F.R. § 42.63(a). We excuse Patent Owner’s mistake here, but remind the parties to follow this rule for future filings.

¶¶ 1– 11. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Yixin H. Tang.

We note that Patent Owner has filed a Power of Attorney including Yixin H. Tang in accordance with 37 C.F.R. § 42.10(b). Paper 5. Patent Owner has also filed a Mandatory Notice identifying Yixin H. Tang as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 4.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Motion seeking admission *pro hac vice* for Yixin H. Tang is *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 Yixin H. Tang is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Yixin H. Tang comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴ (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 Yixin H. Tang is 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.*

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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