

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MARINUS PHARMACEUTICALS, INC.,
Petitioner,

v.

OVID THERAPEUTICS, INC.,
Patent Owner.

PGR2023-00020
Patent 11,395,817 B2

Before JEFFREY N. FREDMAN, ZHENYU YANG, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

FREDMAN, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Deanna Reichel
37 C.F.R. § 42.10

On September 13, 2023, Petitioner filed a motion requesting *pro hac vice* admission of Deanna Reichel. Paper 12 (“Motion”). Petitioner submitted a Declaration from Ms. Reichel in support of the Motion. Ex. 1032 (“Declaration”). Patent Owner has not opposed Petitioner’s Motion.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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 Ms. Reichel has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Ms. Reichel has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Ms. Reichel meets all other requirements for admission *pro hac vice*. *See* Ex. 1032. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Reichel.

Petitioner filed a Power of Attorney including Ms. Reichel. Paper 1. Petitioner filed mandatory notices identifying Ms. Reichel as back-up attorney. Paper 2, 91.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 12) for *pro hac vice* admission of Deanna Reichel is *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Ms. Reichel is authorized to act as back-up counsel;

FURTHER ORDERED that Ms. Reichel 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;² and

FURTHER ORDERED that Ms. Reichel 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.*

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

² The Declaration states that "I have 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 the Code of Federal Regulations." Ex. 1032 ¶ 5. The Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We deem this harmless error.

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