

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

QUALICAPS CO., LTD.,
Patent Owner.

Case IPR2017-00203
Patent 6,649,180 B1

Before BRIAN P. MURPHY, CHRISTOPHER M. KAISER, and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

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

Petitioner moves to have Mr. Jonathan D. Olinger admitted *pro hac vice* in this proceeding. Paper 8 (“Motion”). Petitioner submitted a declaration from Mr. Olinger in support of this motion. Ex. 1015. Petitioner asserts that Patent Owner does not oppose the Motion. Motion 1.

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* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case 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 Mr. Olinger has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Olinger has demonstrated the necessarily familiarity with the subject matter of this proceeding, and, that there is a need for Petitioner to be represented by counsel with litigation experience. Accordingly, Petitioner has established good cause for the admission of Mr. Olinger *pro hac vice*. Mr. Olinger will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that a power of attorney in accordance with 37 C.F.R. § 42.10(b) was submitted for Mr. Olinger. Paper 2. We further note that Petitioner’s mandatory notices in the Petition (Paper 1, 3) include

Mr. Olinger as back-up counsel. Therefore, no updated mandatory notice is required.

Accordingly, it is hereby:

ORDERED that Petitioner's motion to admit Mr. Jonathan D. Olinger *pro hac vice* (Paper 8) is *granted*, and Mr. Olinger is authorized to represent Petitioner as back-up counsel in this proceeding;

FURTHER ORDERED that Petitioner continue to have a registered practitioner serve as lead counsel in this proceeding;

FURTHER ORDERED that Mr. Olinger comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42, of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Olinger is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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