

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAUSCH HEALTH COMPANIES INC. AND
BAUSCH HEALTH US LLC,
Petitioner,

v.

FLOW PHARMA INC.,
Patent Owner.

Case IPR2020-00165
Patent 8,138,157 B2

Before SUSAN L. C. MITCHELL, ROBERT A. POLLOCK, and
JOHN E. SCHNEIDER, *Administrative Patent Judges*.

SCHNEIDER, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Steven C. Kline
37 C.F.R. § 42.10

Petitioner filed a Motion for *Pro Hac Vice* admission of Steven C. Kline (Paper 11 (“Motion”)) as well as a supporting declaration from Mr. Kline (Exhibit 1038 (“Declaration”)) in the above-listed proceeding. Patent Owner did not oppose the Motion within the requisite time period. For the following reasons, the Motion is *granted*.

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*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Having reviewed the Motion and supporting Declaration, good cause exists for granting admission *pro hac vice* to Mr. Kline.

Accordingly, it is:

ORDERED that the Motion for *Pro Hac Vice* Admission of Steven C. Kline is *granted*;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-listed proceeding;

FURTHER ORDERED that Mr. Kline is authorized to represent Petitioner only as back-up counsel in this proceeding;

FURTHER ORDERED that Mr. Kline shall comply with the Office’s America Invents Act (AIA) Trial Practice Guide, as updated by the Consolidated Trial Practice Guide (“Consolidated Practice Guide”),

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available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>; *see also* 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;

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

FURTHER ORDERED that Petitioner shall submit an updated mandatory notice identifying Mr. Kline as back-up counsel in the above-listed proceeding, in accordance with 37 C.F.R. § 42.8(b)(3).

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