

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIQUIDIA TECHNOLOGIES, INC.,
Petitioner,

v.

UNITED THERAPEUTICS CORPORATION,
Patent Owner.

IPR2020-00770 (Patent 9,604,901 B2)
IPR2021-00406 (Patent 10,716,793 B2)¹

Before ERICA A. FRANKLIN, ZHENYU YANG, JOHN E. SCHNEIDER,
and DAVID A. COTTA, *Administrative Patent Judges*.²

YANG, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Unopposed Motion for
Pro Hac Vice Admission of Deepa Kannappan
37 C.F.R. § 42.10

¹ This Order applies to both proceedings. The parties are not authorized to use this style heading for any subsequent papers.

² This listing of Administrative Patent Judges does not reflect an expanded panel under SOP 1 § III.M. This order addresses multiple proceedings that collectively involve more than three Administrative Patent Judges.

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Petitioner filed an Unopposed Motion for *Pro Hac Vice* Admission of Deepa Kannappan. Paper 23 (“Motion” or “Mot.”).³ Petitioner also filed a Declaration of Ms. Kannappan in support of the Motion. Ex. 1041 (“Declaration”). Petitioner represents that Patent Owner does not oppose the Motion. Mot. 1. For the reasons discussed below, Petitioner’s 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, subject to the condition that lead counsel be a registered practitioner. The representative Order authorizing motions for *pro hac vice* admission requires a statement of facts showing there is good cause for us to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *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 Ms. Kannappan has sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Ms. Kannappan has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Petitioner’s intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Kannappan. Ms. Kannappan will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

³ For purposes of expediency, we cite to the papers filed in IPR2020-00770. Petitioner filed similar papers in IPR2021-00406.

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We note that Petitioner has submitted a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) for Ms. Kannappan. Paper 22, 1. However, Petitioner's Mandatory Notices do not identify Ms. Kannappan. *See* Paper 21.

Accordingly, it is

ORDERED that Petitioner's Unopposed Motion for *Pro Hac Vice* Admission of Deepa Kannappan in each of the above-captioned proceedings is granted;

FURTHER ORDERED that Petitioner shall file updated Mandatory Notices identifying Ms. Kannappan as back-up counsel in the above-captioned proceedings in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Ms. Kannappan is authorized to represent Petitioner only as back-up counsel in the above-captioned proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in the above-captioned proceedings;

FURTHER ORDERED that Ms. Kannappan is to comply with the 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 Ms. Kannappan is to be 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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