UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIQUIDIA TECHNOLOGIES, INC.,
Petitioner,

v.

UNITED THERAPEUTICS CORPORATION,
Patent Owner.

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IPR2021-00406
Patent 10,716,793 B2

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Before ERICA A. FRANKLIN, CHRISTOPHER M. KAISER, and
DAVID COTTA, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for *Pro Hac Vice* Admission of
Mandy Kim
37 C.F.R. § 42.10

On January 5, 2022, United Therapeutics Corporation ("Patent Owner") filed a Motion for *Pro Hac Vice* Admission of Mandy Kim in the above-captioned proceeding. Paper 36. The Motion is supported by a Declaration of Ms. Kim. Ex. 2093. Patent Owner represents in the Motion that Ms. Kim is an experienced patent litigation attorney and that good cause exists for the Board to recognize Ms. Kim *pro hac vice*. Paper 36, 1–2. Ms. Kim represents that she has sufficient familiarity with the subject matter at issue in this proceeding. Ex. 2093 ¶¶ 8–9. Petitioner, Liquidia Technologies, Inc., has not opposed the Motion. Paper 36, 1.

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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing good cause exists 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 4, 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")).

The Board has reviewed Patent Owner's submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met and good cause exists to admit Ms. Kim *pro hac vice* in this proceeding.

We note that although Patent Owner has filed an updated Mandatory Notice identifying Ms. Kim as back-up counsel in accordance with

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37 C.F.R. § 42.8(b)(3) (*see* Paper 39), Patent Owner has not filed a Power of Attorney including Ms. Kim in accordance with 37 C.F.R. § 42.10(b).[1]

It is therefore,

ORDERED that the Patent Owner's Motion seeking admission *pro hac vice* for Mandy Kim in this proceeding is GRANTED;

FURTHER ORDERED that Ms. Kim is authorized to represent Patent Owner as back-up counsel only, and that Patent Owner is to continue to have a registered practitioner represent it as lead counsel;

FURTHER ORDERED that within seven (7) business days of the date of this Order, Patent Owner shall file a Power of Attorney including Ms. Kim in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Ms. Kim is to comply with the Consolidated Trial Practice Guide[2] (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Ms. Kim shall 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.*

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[1] It does not appear that Patent Owner has filed any Power of Attorney in this proceeding.
[2] *Available at* https://www.uspto.gov/TrialPracticeGuideConsolidated.

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