

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARADIGM CORPORATION  
Petitioner

v.

INSMED INCORPORATED  
Patent Owner

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Case PGR2017-00021  
U.S. Patent No. 9,402,845

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**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF  
PETER H. NOH, ESQ., UNDER 37 C.F.R. § 42.10(c)**

## I. Relief Requested

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Aradigm Corporation (“Petitioner” or “Aradigm”) respectfully requests that the Patent Trial and Appeal Board (“the Board”) recognize Peter H. Noh, Esq., as counsel *pro hac vice* on behalf of Petitioner during this proceeding.

In an *Inter Partes* Review (“IPR”), the Board has discretion under 37 C.F.R. § 42.10(c) to recognize counsel *pro hac vice*. 37 C.F.R. § 42.10(c) provides that:

The Board 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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

In support of this motion, a declaration of Peter H. Noh is submitted herewith (Exhibit 1) showing that Mr. Noh satisfies the requirements for *pro hac vice* admission as set forth in IPR2013-00639, Paper 7, dated October 15, 2013.

This motion is being filed no sooner than twenty-one (21) days after service of the petition.

## II. Statement of Facts

Based on the following facts, and supported by the Declaration of Peter H. Noh (Exhibit 1) submitted herewith, Petitioner has established good cause for the Board to recognize Mr. Noh *pro hac vice* in this matter:

1. Lead counsel, Ms. Arlene L. Chow, is a registered practitioner.
2. Mr. Noh is a Senior Associate with the law firm Hogan Lovells U.S. LLP. *See* Noh Declaration, ¶1.
3. Mr. Noh has been a litigating attorney for more than eight (8) years. *See* Noh Declaration, ¶2. He has been litigating patent cases during that entire time period. *Id.*
4. Mr. Noh is a member in good standing of the State Bar of New York and the State Bar of New Jersey. *See* Noh Declaration, ¶3.
5. Mr. Noh has never been suspended from, disbarred from, or denied admission to practice before any court or administrative body. *See* Noh Declaration, ¶¶4-5.
6. No sanctions or contempt citations have ever been imposed against Mr. Noh by any court or administrative body. *See* Noh Declaration, ¶6.
7. Mr. Noh has 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 37 C.F.R. *See* Noh Declaration, ¶7.

8. Mr. Noh understands that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. § 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *See* Noh Declaration, ¶8.

9. In the past three (3) years, Mr. Noh has applied to appear *pro hac vice* before the United States Patent and Trademark Office in IPR2016-01542, which is pending before the Board. *See* Noh Declaration, ¶9. Prior to that, Mr. Noh appeared *pro hac vice* in the following proceedings: IPR2014-00651, IPR2014-00652, IPR2014-00653, IPR2014-00654, IPR2014-00655, and IPR2014-00656. *Id.*

10. Mr. Noh has reviewed the patent at issue in this proceeding, U.S. Patent No. 9,402,845, and was intimately involved in the preparation of the Petition. *See* Noh Declaration, ¶10. He has also participated in the strategic discussions with co-counsel. *Id.* As such Mr. Noh has gained a familiarity and detailed understanding of the subject matter at issue here.

### **III. Good Cause Exists for *Pro Hac Vice* Admission**

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other condition the Board may impose. 37 C.F.R. § 42.10(c). Petitioner's lead counsel, Ms. Arlene L. Chow, is a registered practitioner. Furthermore, as supported by his

Declaration, for the past eight (8) years, Mr. Noh has been litigating patent cases. Mr. Noh also has developed an established familiarity with the subject matter at issue in this proceeding. He has reviewed the patent at issue in this proceeding, and was intimately involved in the preparation of the Petition. He has also participated in strategic discussions with Aradigm's counsel. Given his knowledge of the subject matter at issue in this proceeding, Aradigm would benefit from Mr. Noh's expertise and involvement in this proceeding.

### **III. Conclusion**

Petitioner respectfully submits that, in light of the foregoing, there is good cause for the Board to recognize Mr. Noh as counsel *pro hac vice* for Petitioner during this proceeding. This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Peter H. Noh, Esq. (Exhibit 1).

Dated: June 30, 2017

Respectfully submitted,

/ Arlene Chow /

Arlene L. Chow

Registration No. 47,489

Peter H. Noh

(*pro hac vice* pending)

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