

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GRÜNENTHAL GMBH,
Petitioner,

v.

ANTECIP BIOVENTURES II LLC,
Patent Owner.

PGR2018-00062
Patent 9,707,245 B2

Before TONI R. SCHEINER, GRACE KARAFFA OBERMANN, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

DECISION

Motion for *Pro Hac Vice* Admission of James R. Tyminski, Jr.
37 C.F.R. § 42.10(c)

Petitioner GRÜNENTHAL GMBH filed a Motion for *Pro Hac Vice* Admission of James R. Tyminski, Jr., and an accompanying Declaration in the above-captioned proceeding. Paper 25 (“Motion”), Ex. 1034. Patent Owner has not filed an opposition to Petitioner’s Motion.

Pursuant to 37 C.F.R. § 42.10(c), 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. In its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. See Paper 5, 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 the submissions and determined that the requirements of 37 C.F.R. § 42.10 have been met, and that there is good cause to admit Mr. Tyminski *pro hac vice*.

It is, therefore,

ORDERED that Petitioner’s Motion for *Pro Hac Vice* Admission of James R. Tyminski, Jr. is *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in the instant proceeding, but Mr. Tyminski is authorized to be designated as backup counsel;

FURTHER ORDERED that Petitioner must file updated mandatory notices identifying Mr. Tyminski as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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FURTHER ORDERED that Mr. Tyminski shall comply with the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Title 37, Part 42 of the C.F.R., and is subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.*

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