

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NOVARTIS PHARMACEUTICALS CORPORATION,  
Petitioner,

v.

PLEXXIKON INC.,  
Patent Owner.

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Case IPR2018-01287  
Patent 9,469,640 B2

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Before SHERIDAN K. SNEDDEN, JO-ANNE M. KOKOSKI, and  
KRISTIL R. SAWERT, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

ORDER

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

Petitioner filed a Motion for Admission *Pro Hac Vice* of David Mlaver (Paper 5) supported by a declaration from Mr. Mlaver (Paper 6).<sup>1</sup> Patent Owner did not oppose the motion. The motion is *granted*.

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<sup>1</sup> The parties are reminded that affidavits and declarations must be filed as exhibits so they may be referenced individually by exhibit number. *See* 37 C.F.R. § 42.63.

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 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”)).

Upon consideration, Petitioner has demonstrated sufficient good cause exists to admit Mr. Mlaver *pro hac vice* in this proceeding.

Accordingly, it is:

ORDERED that Petitioner’s motion for *pro hac vice* admission of Mr. David Mlaver is *granted*;

FURTHER ORDERED that Mr. Mlaver is to comply with the Board’s Rules of Practice for Trials set forth in Part 42 of Title 37, Code of Federal Regulations and the Office Patent Trial Practice Guide including the August 2018 update;

FURTHER ORDERED that Mr. Mlaver 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);

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel in this proceeding; Mr. Mlaver is authorized to represent Petitioner only as back-up counsel in this proceeding; and

FURTHER ORDERED that Petitioner shall file an updated mandatory notice in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Mlaver as back-up counsel.

Case IPR2018-01287

Patent 9,469,640 B2

PETITIONER:

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PATENT OWNER:

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