

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVARTIS PHARMACEUTICALS CORPORATION,
Petitioner,

v.

PLEXXIKON INC.,
Patent Owner.

Case IPR2018-01287
Patent 9,469,640 B2

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

KOKOSKI, *Administrative Patent Judge*.

ORDER

Conditionally Granting Patent Owner's
Motion for Admission *Pro Hac Vice* of Anna E. Dwyer
37 C.F.R. § 42.10

Patent Owner filed a Motion for Admission *Pro Hac Vice* of Anna E. Dwyer (Paper 11, "Mot.") supported by a Declaration from Ms. Dwyer (Exhibit 2008). Patent Owner represents that Petitioner does not oppose the motion. Mot.1. The motion is *conditionally 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. 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, Patent Owner has demonstrated sufficient good cause exists to admit Ms. Dwyer *pro hac vice* in this proceeding. However, the supporting declaration does not warn Ms. Dwyer “that willful false statements and the like are punishable by fine or imprisonment, or both,” and is therefore not a proper declaration as defined by 37 C.F.R. §§ 1.68 and 42.2. This Decision is made on the assumption that Ms. Dwyer can provide a properly executed declaration that complies with the requirements of 37 C.F.R. § 1.68.

Accordingly, it is:

ORDERED that Patent Owner’s motion for *pro hac vice* admission of Ms. Anna E. Dwyer is *conditionally granted*, provided that within one week of the date of this Order, Patent Owner submits a declaration from Ms. Dwyer that is properly executed under 37 C.F.R. § 1.68;

FURTHER ORDERED that Ms. Dwyer 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 Ms. Dwyer 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 Patent Owner shall continue to have a registered practitioner represent it as lead counsel in this proceeding; Ms. Dwyer is authorized to represent Patent Owner only as back-up counsel in this proceeding; and

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

PETITIONER:

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