

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAXTER INTERNATIONAL INC.,
Petitioner,

v.

BECTON, DICKINSON AND COMPANY,
Patent Owner.

IPR2020-00024 (Patent 8,740,864 B2)
IPR2020-00025 (Patent 9,283,367 B2)
IPR2020-00026 (Patent 10,159,828 B2)
IPR2020-00027 (Patent 10,335,584 B2)¹

Before SUSAN L. C. MITCHELL, KEVIN W. CHERRY,
ROBERT A. POLLOCK, and DAVID COTTA, *Administrative Patent
Judges.*²

COTTA, *Administrative Patent Judge.*

¹ This Order addresses issues that are the same in all identified proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties, however, are not authorized to use this style heading in subsequent papers.

² This is not a decision by an expanded panel of the Board. Judges Mitchell Pollock, and Cotta are paneled in IPR2019-00024 and IPR2019-00025. Judges Mitchell, Cherry, and Cotta are paneled in IPR2019-00026 and IPR2019-00027.

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ORDER

Granting Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission of
Keyna Chow
37 C.F.R. § 42.10

Patent Owner filed Motions for *Pro Hac Vice* admission of Keyna Chow in the above-listed proceedings ("Motions"). Paper 6.³ Petitioner did not oppose the Motions. Upon review of the record before us, and for the reasons set forth below, Patent Owner's Motions are 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 that 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 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").

Lead counsel for Patent Owner is Scott McKeown, a registered practitioner. Motion 2. In the Motions, Patent Owner states that there is good cause for the Board to recognize Ms. Chow *pro hac vice* during these

³ All citations are to IPR2020-00024 with the understanding that the other proceedings include papers having substantially the same substantive content.

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proceedings because Ms. Chow has familiarity with the substantive issues involved in the proceedings. *Id.* at 2–3.

Declarations of Keyna Chow attesting to, and sufficiently explaining, the required facts accompany the Motions. Ex. 2001. The Declarations comply with the requirements for *pro hac vice* admission and establish that Ms. Chow is an experienced attorney with familiarity with the subject matter at issue in these proceedings. *See id.* ¶ 8. The Declarations further acknowledge that Ms. Chow is 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). *Id.* ¶ 6.

Upon consideration of the circumstances of this proceeding, Patent Owner has demonstrated that Ms. Chow has sufficient legal and technical qualifications to represent Patent Owner in these proceedings. Accordingly, Patent Owner has established that there is good cause for admitting Ms. Chow. Ms. Chow may only be designated as backup counsel.

Patent Owner submitted Powers of Attorney for Ms. Chow in accordance with 37 C.F.R. § 42.10(b). Paper 5. Patent Owner also submitted mandatory notices in each of the above-identified proceedings, as required by 37 C.F.R. § 42.8(b)(3). Paper 4.

In consideration of the foregoing, it is hereby

ORDERED that the Motions for *Pro Hac Vice* Admission of Keyna Chow are *granted*, and Keyna Chow is authorized to represent Patent Owner only as back-up counsel in these proceedings;

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FURTHER ORDERED that a registered practitioner will continue to represent Patent Owner as lead counsel in the above-listed proceedings;

FURTHER ORDERED that Ms. Chow shall comply with the Office Patent Trial Practice Guide, as updated by the Consolidated Office Patent Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019)) and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that that Ms. Chow 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).

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