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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SEQUENOM, INC.  
Petitioner

v.

THE BOARD OF TRUSTEES OF  
THE LELAND STANFORD JUNIOR UNIVERSITY  
Patent Owner

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Case IPR2013-00390  
Patent 8,195,415

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**SEQUENOM MOTION FOR *PRO HAC VICE* ADMISSION OF  
MICHAEL J. MALECEK**

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## **I. RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Sequenom, Inc. (“Sequenom”) respectfully requests *pro hac vice* admission of Michael J. Malecek in this proceeding.

## **II. GOVERNING REGULATIONS AND PRECEDENT**

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

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.

The Board has stated that motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” entered in Case IPR2013-00010 (MPT) (“*Motorola* Order”). In accordance with the *Motorola* Order, this motion is being filed no sooner than twenty-one (21) days after service of the petition.

The *Motorola* Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding” and (2) “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following”:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear 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 C.F.R.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and

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