

Case IPR2015-01624

U.S. Patent No. 6,331,415

Filed on behalf of: Sanofi Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANOFI-AVENTIS U.S. LLC AND
REGENERON PHARMACEUTICALS, INC.,
Petitioners

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners

Case IPR2015-01624
Patent 6,331,415

**MOTION FOR LISA M. FERRI TO APPEAR *PRO HAC VICE* ON
BEHALF OF PETITIONERS SANOFI-AVENTIS U.S. LLC AND
REGENERON PHARMACEUTICALS, INC.**

I. STATEMENT OF REQUESTED RELIEF

Pursuant to the Board's August 7, 2015 Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response authorizing motions for *pro hac vice* admission (Paper No. 3, at 2), and 37 C.F.R. §§ 42.10(c), Petitioners Sanofi Aventis U.S. LLC ("Sanofi") and Regeneron Pharmaceuticals, Inc. ("Regeneron") (collectively, "Petitioners") hereby moves for an Order allowing Lisa M. Ferri of Mayer Brown LLP to appear *pro hac vice* on behalf of Petitioners in the above-captioned case.

II. EXHIBITS RELIED UPON FOR THIS MOTION

For this motion, Petitioners rely upon Sanofi/Regeneron Exhibit 1059 – Declaration of Lisa M. Ferri in Support of Motion to Appear *Pro Hac Vice* on Behalf of Petitioners Sanofi Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc. and Sanofi/Regeneron Exhibit 1060 – Mayer Brown Professional Profile of Lisa M. Ferri.

III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth below in the Statement of Material Facts, Petitioners have made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Ms. Ferri *pro hac vice*. In particular, Ms. Ferri is an experienced litigation attorney and has been involved in numerous litigations involving patent infringement in various U.S. District Courts. (Sanofi/Regeneron Exhibit 1059, Declaration of Lisa M.

Ferri) In particular, Ms. Ferri appeared as lead counsel in several previous litigations involving the challenged '415 patent in the U.S. District Court for the Central District of California. Thus, Ms. Ferri has an established familiarity with the subject matter at issue in this proceeding, including the patent and file history, the technology and the prior art. In light of the facts presented in detail below, as well as the accompanying Declaration of Lisa M. Ferri, good cause exists for the *pro hac vice* admission of Ms. Ferri in this proceeding under 37 C.F.R. § 42.10.

IV. STATEMENT OF MATERIAL FACTS

37 C.F.R. § 42.10(c) states that “[t]he 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.” As an initial matter, Lead Counsel for Petitioners in this *inter partes* review proceeding is Richard McCormick. Mr. McCormick is registered to practice before the United States Patent and Trademark Office and holds Registration No. 55,902. Furthermore, the following statement of facts demonstrates that Ms. Ferri is an experienced litigation attorney and has an

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established familiarity with the subject matter at issue, and accordingly, there is good cause for the Board to recognize Ms. Ferri *pro hac vice*.

As set forth in Sanofi/Regeneron Exhibit 1059, Ms. Ferri is a partner in the Intellectual Property group of Mayer Brown LLP and is the head of the New York IP group. Sanofi/Regeneron Exhibit 1059, ¶ 1. Ms. Ferri is an experienced litigation attorney and has an established familiarity with the subject matter at issue in this proceeding. In particular, Ms. Ferri has over 20 years of experience as a patent litigator, including many cases in the pharmaceutical and biotechnology fields. *Id.* She has appeared as lead trial counsel before the United States District Courts and the U.S. International Trade Commission. Furthermore, she has represented clients before the United States Court of Appeals for the Federal Circuit, including as lead counsel. *Id.*; Sanofi/Regeneron Exhibit 1060. Ms. Ferri is an adjunct professor of law at Fordham University School of Law, where she teaches Patent Litigation. Sanofi/Regeneron Exhibit 1059, ¶ 2.

Ms. Ferri has served as counsel for GlaxoSmithKline, Human Genome Sciences and Bristol-Myers Squibb in litigations relating to the '415 patent: *Glaxo Group Ltd, et al., v. Genentech, Inc., et al.*, Case No. 10-cv-02764 (C.D. Cal.), *Human Genome Sciences Inc. v. Genentech, Inc. et al.*, Case No. 2:11-cv-06594 (C.D. Cal.), and *Bristol-Myers Squibb Co. v. Genentech, Inc., et al.*, Case No. 13-cv-05400 (C.D. Cal), respectively. *Id.* Ms. Ferri also presently serves as lead

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counsel for Petitioners in a district court patent litigation matter, entitled *Sanofi Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc. v. Genentech, Inc. and City of Hope*, Case No. 2:15-cv-05685-GW-AGR (C.D. Cal.) which relates to U.S. Patent No. 7,923,221, which was filed as a continuation of the application that issued as the challenged '415 patent and involves the same recombinant antibody technology claimed by the '415 patent. *Id.* ¶ 3. Therefore, Ms. Ferri is familiar with the '415 patent, the patent at issue in this proceeding, and with the legal subject matter, technical subject matter, and prior art discussed in Petitioners' request for *inter partes* review of the '415 patent, which forms the basis of this proceeding. *Id.* ¶ 4.

Ms. Ferri 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 37 C.F.R. *Id.* ¶ 9. Ms. Ferri also agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 10.

Finally, Ms. Ferri has attested to the remaining elements of Paragraph 2(b) of the representative "Order – Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639. *Id.* ¶¶ 5-8 and 11. Namely, she is a member in good standing of the Bar of New York and the Bar of New Jersey and is admitted to practice before the U.S. Supreme Court, the U.S. Court of Appeals for the Federal

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