

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01488
Patent 6,407,213 B2

**PETITIONER'S MOTION FOR THE *PRO HAC VICE*
ADMISSION OF MARK C. MCLENNAN**

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Cases

United Patents, Inc. v. Parallel Iron, LLC,
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37 C.F.R. § 11.19(a).....2, 4
37 C.F.R. § 42.10(c).....1, 5
37 C.F.R. § 11.1012, 4

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Pfizer, Inc., (“Petitioner”) respectfully moves the Patent Trial & Appeal Board (“Board”) for the *pro hac vice* admission of Mark C. McLennan in the above proceeding.

II. GOVERNING LAW, RULES, AND PRECEDENT

The Board is authorized to recognize counsel *pro hac vice* pursuant to 37 C.F.R. § 42.10(c), which provides that:

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 a motion for admission *pro hac vice* must meet the following requirements:

- a. Contain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.
- b. Be 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 37 C.F.R.;
- vi. The individual will be 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);
- 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
- viii. Familiarity with the subject matter at issue in the proceeding.

United Patents, Inc. v. Parallel Iron, LLC, IPR2013-00639 Paper 7 at 3–4 (PTAB Oct. 15, 2013). *See also* IPR2017-01488 Paper 3 at 2 (PTAB June 5, 2017) (“[*Pro hac vice*] motions shall be filed in accordance with the ‘Order -- Authorizing Motion for *Pro Hac Vice* Admission’ in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under ‘Representative Orders, Decisions, and Notices.’”).

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