

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., and PFIZER, INC.
Petitioner,

v.

SANOFI-AVENTIS DEUTSHLAND GMBH,
Patent Owner.

IPR2018-01675¹ and IPR2018-01676² (Patent 8,603,044 B2)
IPR2018-01678³, IPR2018-01679⁴, and
IPR2019-00122⁵ (Patent 8,992,486 B2)
IPR2018-01680⁶ and IPR2018-01682⁷ (Patent 9,526,844 B2)
IPR2018-01684⁸ (Patent 9,604,008 B2)

¹ Pfizer Inc., who filed a petition in IPR2019-00977, has been joined as petitioner in this proceeding.

² Pfizer Inc., who filed a petition in IPR2019-00978, has been joined as petitioner in this proceeding.

³ Pfizer Inc., who filed a petition in IPR2019-00980, has been joined as petitioner in this proceeding.

⁴ Pfizer Inc., who filed a petition in IPR2019-00981, has been joined as petitioner in this proceeding.

⁵ Pfizer Inc., who filed a petition in IPR2019-00982, has been joined as petitioner in this proceeding.

⁶ Pfizer Inc., who filed a petition in IPR2019-01022, has been joined as petitioner in this proceeding.

⁷ Pfizer Inc., who filed a petition in IPR2019-01023, has been joined as petitioner in this proceeding.

⁸ Pfizer Inc., who filed a petition in IPR2019-00987, has been joined as petitioner in this proceeding.

IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
IPR2018-01678, IPR2018-0179, and IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680 and IPR2018-01682 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)

Before HYUN J. JUNG and JAMES A. TARTAL, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

ORDER⁹
Granting Patent Owner's Motions for
Pro Hac Vice Admission of Anna E. Dwyer
37 C.F.R. § 42.10

On August 16, 2019, Patent Owner filed a motion for admission *pro hac vice* of Anna E. Dwyer in each of the above-identified proceedings (collectively, "Motions"). Paper 49.¹⁰ Patent Owner also filed a declaration of Anna E. Dwyer (Ex. 2221) and a biography (Ex. 2222) in support of each Motion.¹¹ Patent Owner represents that "counsel for Petitioner does not oppose Ms. Dwyer appearing *pro hac vice* during this proceeding."

⁹ We exercise our discretion to issue one Order to be entered in each proceeding. The Parties are not authorized to use this joint heading and filing style in their papers.

¹⁰ For purposes of expediency, we cite to Papers filed in IPR2018-01675. Patent Owner filed similar Motions in IPR2018-01676 (Paper 42), IPR2018-01678 (Paper 42), PR2018-01679 (Paper 37), IPR2018-01680 (Paper 46), IPR2018-01682 (Paper 44), IPR2018-01684 (Paper 38), and IPR2019-00122 (Paper 40).

¹¹ We cite to Exhibits filed in IPR2018-01675. Patent Owner filed similar Exhibits in IPR2018-01676 (Exs. 2221 and 2222), IPR2018-01678 (Exs. 2221 and 2222), PR2018-01679 (Exs. 2221 and 2222), IPR2018-01680 (Exs. 2221 and 2222), IPR2018-01682 (Exs. 2221 and 2222), IPR2018-01684 (Exs. 2221 and 2222), and IPR2019-00122 (Exs. 2221 and 2222).

IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
IPR2018-01678, IPR2018-0179, and IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680 and IPR2018-01682 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)

Paper 49, 1. For the reasons provided below, Patent Owner's Motions are *granted*.

Pursuant to 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 8, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (“Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Ms. Dwyer has sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Ms. Dwyer has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Patent Owner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Dwyer.

Patent Owner should update its mandatory notices for each of the above-identified proceeding, as required by 37 C.F.R. § 42.8, and update its counsel information in the PTAB E2E filing system. We also note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Ms. Dwyer in these proceedings. Therefore, Patent Owner must submit a Power of Attorney for Ms. Dwyer in each of the above-identified proceedings within ten (10) business days.

IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
IPR2018-01678, IPR2018-0179, and IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680 and IPR2018-01682 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)

It is, therefore,

ORDERED that Patent Owner's Motions for *pro hac vice* admission of Anna E. Dwyer are *granted*;

FURTHER ORDERED that Ms. Dwyer is authorized to represent Patent Owner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

FURTHER ORDERED that Patent Owner must file updated mandatory notices in each of the above-identified proceedings identifying Ms. Dwyer as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that, within ten (10) business days, Patent Owner shall submit a Power of Attorney for Ms. Dwyer in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Ms. Dwyer shall comply with the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018) and the July 2019 Update (84 Fed. Reg. 33,925 (July 16, 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 Ms. Dwyer shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a) and the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101–11.901.

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IPR2018-01678, IPR2018-0179, and IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680 and IPR2018-01682 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)

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