

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

IPR2018-01670 (Patent 8,679,069 B2)
IPR2018-01675 and IPR2018-01676 (Patent 8,603,044 B2)
IPR2018-01678, IPR2018-01679, IPR2019-00122 (Patent 8,992,486 B2)
IPR2018-01680, IPR2018-01682, IPR2018-01696 (Patent 9,526,844 B2)
IPR2018-01684 (Patent 9,604,008 B2)¹

Before HYUN J. JUNG, BART A. GERSTENBLITH, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motions for Admission
Pro Hac Vice of Elham F. Steiner
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in the above-identified proceedings. 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.

IPR2018-01670 (Patent 8,679,069 B2)
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On February 28, 2019, Petitioner filed motions for admission *pro hac vice* of Elham F. Steiner in each of the above-identified proceedings (collectively, “Motions”). Paper 11.² Petitioner also filed declarations of Ms. Steiner in support of the Motions (collectively, “Declarations”). Ex. 1040.³ Petitioner attests that Patent Owner does not oppose the Motions. Paper 11, 2. For the reasons provided below, Petitioner’s Motions are *granted*.

Pursuant to 37 C.F.R. § 42.10(c), 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. In its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 8, 2 (citing *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”)).

² For purposes of expediency, we cite to Papers filed in IPR2018-01670. On February 28, 2019, Petitioner filed similar Motions in IPR2018-01675 (Paper 24), IPR2018-01676 (Paper 16), IPR2018-01678 (Paper 16), IPR2018-01679 (Paper 10), IPR2018-01680 (Paper 18), IPR2018-01682 (Paper 11), IPR2018-01684 (Paper 11), IPR2018-01696 (Paper 11), and IPR2019-00122 (Paper 13).

³ The Declarations are Exhibit 1040 in each case. For purposes of expediency, we cite to Exhibits filed in IPR2018-01670.

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Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Ms. Steiner has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Ms. Steiner has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Petitioner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Steiner. Ms. Steiner will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Petitioner provides Power of Attorney for all Practitioners associated with Customer Number 21971. Paper 2. Ms. Steiner, however, is not associated with Customer Number 21971. Accordingly, Petitioner must submit a Power of Attorney for Ms. Steiner in accordance with 37 C.F.R. § 42.10(b), and must update its Mandatory Notices as required by 37 C.F.R. § 42.8(b)(3).

Accordingly, it is:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Ms. Elham F. Steiner are *granted*;

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

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

FURTHER ORDERED that Ms. Steiner is to comply with the Office Patent Trial Practice Guide, as updated by the August 2018 Update, 83

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Federal Register 39,989 (Aug. 13, 2018), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Ms. Steiner shall be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*;

FURTHER ORDERED that, within ten (10) business days of the date of this Order, Petitioner must submit Powers of Attorney for Ms. Steiner in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.10(b); and

FURTHER ORDERED that Petitioner shall file updated Mandatory Notices in each of the above-identified proceedings in accordance with 37 C.F.R. § 42.8(b)(3), identifying Ms. Steiner as back-up counsel.

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