

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

MERCK SHARP & DOHME CORP.,
Patent Owner.

Case IPR2020-00040
Patent 7,326,708 B2

Before SHERIDAN K. SNEDDEN, ROBERT A. POLLOCK, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motion for Admission
Pro Hac Vice of Bruce R. Genderson
37 C.F.R. § 42.10

On January 7, 2020, Patent Owner filed a motion requesting *pro hac vice* admission of Bruce R. Genderson. Paper 8 (“Motion”). Patent Owner submitted a Declaration from Mr. Genderson in support of the Motion. Ex. 2001 (“Declaration”). Patent Owner asserts that Petitioner does not oppose the Motion. Motion 6.

In accordance with 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 4, 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”)).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Mr. Genderson has sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Genderson has demonstrated sufficient familiarity with the subject matter of this proceeding, and that Patent Owner’s desire to include counsel from the corresponding district court proceeding is warranted. *See* Motion 5–6; Declaration ¶¶ 2, 10. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Genderson.

In consideration of the foregoing, it is hereby
ORDERED that Patent Owner’s Motion (Paper 8) for *pro hac vice* admission of Bruce R. Genderson is *granted*; Mr. Genderson is authorized to

represent Patent Owner as back-up counsel in the above-identified proceeding;

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for the instant proceeding;

FURTHER ORDERED that Mr. Genderson comply with the Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 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 Mr. Genderson is 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.*²

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

² In the Declaration, Mr. Genderson indicates he will be subject to the *USPTO Code of Professional Responsibility*, which no longer exists. Declaration ¶ 8. We assume Mr. Genderson intended to refer to the *USPTO Rules of Professional Conduct*. We deem this harmless error, and, as ordered *supra*, Mr. Genderson will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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