

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REGENERON PHARMACEUTICALS, INC.,
Petitioner,

v.

NOVARTIS PHARMA AG,
NOVARTIS TECHNOLOGY LLC,
NOVARTIS PHARMACEUTICALS CORPORATION,
Patent Owner.

IPR2021-00816
Patent 9,220,631 B2

Before ERICA A. FRANKLIN, ROBERT L. KINDER, and JAMIE T. WISZ,
Administrative Patent Judges.

KINDER, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion for
Admission *Pro Hac Vice* of John T. Bennett and Daniel P. Margolis
37 C.F.R. § 42.10

On March 24, 2022, Patent Owner filed a motion requesting admission *pro hac vice* of John T. Bennett and Daniel P. Margolis. See Paper 66 (“Motion”). Patent Owner submitted a Declaration from Mr. Bennett in support of the Motion. Ex. 2333. Patent Owner also submitted a Declaration from Mr. Margolis in support of the Motion. Ex. 2334. Patent Owner attests that Petitioner does not oppose the Motion. Motion 1.

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 admission *pro hac vice*, 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 *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motion and the accompanying Declarations, we conclude that Mr. Bennett and Mr. Margolis have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Mr. Bennett and Mr. Margolis have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Bennett and Mr. Margolis meet all other requirements for admission *pro hac vice*. See Ex. 2333 ¶¶ 2–10; Ex. 2334 ¶¶ 2–10. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Bennett and Mr. Margolis. Mr. Bennett and Mr. Margolis both will be permitted to appear *pro hac vice* as back-up counsel only. See 37 C.F.R. § 42.10(c).

A Power of Attorney has not been submitted for Mr. Bennett and Mr. Margolis. Accordingly, Patent Owner must submit a Power of Attorney for

IPR2021-00816
Patent 9,220,631 B2

Mr. Bennett and Mr. Margolis 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), to identify Mr. Bennett and Mr. Margolis as back-up counsel.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 66) for admission *pro hac vice* of John T. Bennett and Daniel P. Margolis is *granted*;

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, and that Mr. Bennett and Mr. Margolis are authorized to act only as back-up counsel;

FURTHER ORDERED that Mr. Bennett and Mr. Margolis comply with the Patent Trial and Appeal Board's 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;

FURTHER ORDERED that Mr. Bennett and Mr. Margolis are 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. §§ 11.101–11.901;

FURTHER ORDERED that Patent Owner shall submit, within ten (10) business days of the date of this order, a Power of Attorney for Mr. Bennett and Mr. Margolis in accordance with 37 C.F.R. § 42.10(b) in this proceeding; and

FURTHER ORDERED that Patent Owner shall file an updated mandatory notice in this proceeding, within ten (10) business days of the date of this order, according to 37 C.F.R. § 42.8(a)–(b), providing updated information regarding back-up counsel.

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

IPR2021-00816
Patent 9,220,631 B2

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