

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**REGENERON PHARMACEUTICALS, INC.,**  
*Petitioner*

v.

**NOVARTIS PHARMA AG,  
NOVARTIS TECHNOLOGY LLC,  
NOVARTIS PHARMACEUTICALS CORPORATION,**  
*Patent Owners.*

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**Case: IPR2021-00816**  
Patent No. 9,220,631

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**PATENT OWNERS' MOTION FOR *PRO HAC VICE* ADMISSION OF  
NICHOLAS K. MITROKOSTAS UNDER 37 C.F.R. § 42.10(c)**

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Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.10(c), Patent Owners Novartis Pharma AG, Novartis Technology LLC, and Novartis Pharmaceuticals Corporation (collectively, “Patent Owners”) respectfully request *pro hac vice* admission of Nicholas K. Mitrokostas in this proceeding, IPR2021-00816, regarding U.S. Patent No. 9,220,631 (“the ’631 patent”).

## **I. THE REQUEST IS TIMELY**

Pursuant to the Board’s “Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response,” dated April 28, 2021 (Paper No. 5), authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Patent Owners respectfully request that the Board allow Nicholas K. Mitrokostas to appear *pro hac vice* on their behalf in this proceeding. Counsel for Petitioner does not oppose the relief requested in this motion.

## **II. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED**

As set forth in the Statement of Material Facts below, and as required by 37 C.F.R. § 42.10(c), Patent Owners have demonstrated good cause to admit Mr. Mitrokostas *pro hac vice* in this proceeding. In particular, Patent Owners’ lead counsel is a registered practitioner, and Mr. Mitrokostas is an experienced litigating attorney having an established familiarity with the subject matter at issue in this proceeding.

Furthermore, this motion is being filed more than twenty-one days after service of the petition; includes a statement of facts showing good cause for the Board to recognize Mr. Mitrokostas *pro hac vice*; and is being filed concurrently with Exhibit 2098, the Declaration of Nicholas K. Mitrokostas in Support of Patent Owners' Motion for *Pro Hac Vice* Admission of Nicholas K. Mitrokostas ("Mitrokostas Decl."), all in accordance with the "Order Authorizing Motion for *Pro Hac Vice* Admission" in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7, at 3 (P.T.A.B. Oct. 15, 2013).

### III. STATEMENT OF MATERIAL FACTS

37 C.F.R. § 42.10(c) provides that "[t]he 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."

Elizabeth J. Holland, lead counsel for Patent Owners in this proceeding, is a registered practitioner holding Registration No. 47,657.

As set forth in the Mitrokostas Decl., Mr. Mitrokostas is an experienced

litigating attorney. Specifically, Mr. Mitrokostas has 17 years of experience representing clients in patent litigations, primarily in the chemical and pharmaceutical arts, in United States District Courts and the Court of Appeals for the Federal Circuit. (Mitrokostas Decl., ¶¶ 2, 3). Mr. Mitrokostas has also been admitted *pro hac vice* by the Office in six prior pharmaceutical matters. (Mitrokostas Decl., ¶ 4).

Mr. Mitrokostas also has an established familiarity with the precise subject matter at issue in this proceeding. Mr. Mitrokostas has developed a strong familiarity with the '631 patent, its prosecution history, the general subject matter to which the '631 patent is directed, and the prior art references relied upon by Petitioner. (Mitrokostas Decl., ¶ 5). Additionally, Mr. Mitrokostas has thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding. (*Id.*).

Mr. Mitrokostas has attested to each of the requirements set forth in paragraph 2(b)(i)-(viii) of the “Order Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, at 3. (Mitrokostas Decl., ¶¶ 3-11).

The Commissioner is hereby authorized to charge all fees due in connection with this *pro hac vice* application to Attorney Deposit Account 506989.

#### **IV. CONCLUSION**

In view of the foregoing, Patent Owners respectfully submit that the

requirements of 37 C.F.R. § 42.10(c) have been satisfied, and request an Order permitting Nicholas K. Mitrokostas to appear *pro hac vice* on their behalf in this proceeding.

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