

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

IPR2021-00880 (Patent 9,669,069 B2)
IPR2021-00881 (Patent 9,254,338 B2)¹

Before ERICA A. FRANKLIN, JOHN G. NEW, and
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

NEW, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motions for Admission *pro hac vice* of
William A. Rakoczy and Heinz J. Salmen
37 C.F.R. § 42.10

¹ This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties are not authorized, however, to use this style heading in any subsequent papers.

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On June 18, 2021, Petitioner filed motions for admission *pro hac vice* of William A. Rakoczy (Paper 6)² and Heinz J. Salmen (Paper 7) in each of the above-listed proceedings (collectively, “Motions”). Petitioner also filed supporting declarations from Mr. Rakoczy (Ex. 1084) and Mr. Salmen (Ex. 1085) (collectively, “Declarations”). Petitioner states in each of the Motions that “[c]ounsel for Mylan have met and conferred with counsel for Patent Owner and Patent Owner does not oppose this motion.” Paper 6, 1; Paper 7, 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*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Lead counsel for Petitioner, Paul J. Molino, a registered practitioner, filed each Motion. Paper 6, 2; Paper 7, 2. In the Motions, Petitioner states there is good cause for the Board to recognize Mr. Rakoczy and Mr. Salmen *pro hac vice* during these proceedings because they are “experienced litigating attorney[s]” and have “familiarity with the subject matter at issue in [these] proceeding[s].” Paper 6, 3; Paper 7, 3; *see* Ex. 1084 ¶ 7; Ex. 1085 ¶ 7. Mr. Rakoczy’s and Mr. Salmen’s Declarations also comply with the

² Our citations to Papers and Exhibits will be to those filed in IPR2021-00880. Similar Papers and Exhibits were filed in IPR2021-00881.

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requirements for *pro hac vice* admission. Ex. 1084 ¶¶ 1–11; Ex. 1085 ¶¶ 1–11; *see Unified Patents*, slip op. at 3–4.

Having reviewed the Motions and supporting Declarations, we find that good cause exists for granting admission *pro hac vice* to Mr. Rakoczy and Mr. Salmen in each of the above-listed proceedings.

In consideration of the foregoing, it is hereby:

ORDERED that the Motions are *granted*, and William A. Rakoczy and Heinz J. Salmen are authorized to represent Petitioner only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Rakoczy and Mr. Salmen shall comply with the Office Patent Trial Practice Guide³ (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;⁴ and

FURTHER ORDERED that Mr. Rakoczy and Mr. Salmen shall be subject to the USPTO’s Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁴ In each of the Declarations, Mr. Rakoczy and Mr. Salmen state “I have read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules for Practice for Trials set forth in C.F.R. Part 42 – Trial Practice Before the Patent Trial and Appeal Board” Ex. 1084 ¶ 8; Ex. 1085 ¶ 8. The Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We treat the omission of “Title 37” as harmless error.

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FOR PETITIONER:

Paul J. Molino
Neil B. McLaughlin
RAKOCZY MOLINO MAZZOCHI SIWIK LLP
paul@rmmslegal.com
nmclaughlin@rmmslegal.com

FOR PATENT OWNER:

Deborah E. Fishman
Amanda K. Antons
Alice S. Ho
Arnold & Porter Kaye Scholer LLP
Deborah.Fishman@arnoldporter.com
Amanda.Antons@arnoldporter.com
Alice.Ho@arnoldporter.com