

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., CELLTRION, INC., and
APOTEX, INC.,
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

IPR2021-00880 (Patent 9,669,069 B2)¹
IPR2021-00881 (Patent 9,254,338 B2)²

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

PER CURIAM.

ORDER³

Granting Petitioner's Motions for Admission
Pro Hac Vice of Eric R. Hunt
37 C.F.R. § 42.10

¹ IPR2022-00257 and IPR2022-00301 have been joined with this proceeding.

² IPR2022-00258 and IPR2022-00298 have been joined with this proceeding.

³ The combined caption is for administrative convenience only and does not indicate that IPR2021-00880 and IPR2021-00881 have been joined. The parties are not authorized to use this caption without express permission of the Board.

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IPR2021-00881 (Patent 9,254,338 B2)

On April 20, 2022, Petitioner filed motions for admission *pro hac vice* of Eric R. Hunt in each of the above-identified proceedings (collectively “Motions”). Paper 49.⁴ Petitioner also filed declarations of Mr. Hunt in support of the Motions (collectively “Declarations”). Ex. 1090.⁵ Petitioner attests that Patent Owner does not oppose the Motions. Paper 49, 1. 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 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Mr. Hunt has sufficient legal and technical qualifications to represent Petitioner in these proceedings, that Mr. Hunt has demonstrated sufficient familiarity with the subject matter of these proceedings, and that Mr. Hunt meets all other requirements for admission *pro hac vice*. Accordingly, Petitioner has established good cause for *pro hac*

⁴ For purposes of expediency, we cite to Papers filed in IPR2021-00880. Petitioner filed a similar Motion in IPR2021-00881 (Paper 52).

⁵ We cite to Exhibits filed in IPR2021-00880. Petitioner filed a similar Declaration in IPR2021-00881 (Ex. 1101).

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vice admission of Mr. Hunt. Mr. Hunt will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner has filed a Power of Attorney including Mr. Hunt in accordance with 37 C.F.R. § 42.10(b). IPR2021-00880, Paper 50; and IPR2021-00881, Paper 54. Petitioner has also filed Mandatory Notices identifying Mr. Hunt as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2021-00880, Paper 52; and IPR2021-00881, Paper 55.

Accordingly, it is:

ORDERED that Petitioner's Motions for *pro hac vice* admission of Eric R. Hunt 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 Mr. Hunt is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Hunt is to comply with the Consolidated Trial Practice Guide⁶ (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;⁷ and

⁶ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁷ In the Declaration, Mr. Hunt indicates compliance with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials *set forth in C.F.R. Part 42*, as opposed to *part 42 of 37 C.F.R.* *See* Ex. 1090 ¶ 8. We deem this harmless error.

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FURTHER ORDERED that Mr. Hunt 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.*

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