

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,

Petitioner

v.

REGENERON PHARMACEUTICALS, INC.,

Patent Owner

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Case IPR2021-00881  
Patent No. 9,254,338 B2

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***PRO HAC VICE* MOTION TO ADMIT DANIEL REISNER PURSUANT TO  
37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c) Patent Owner Regeneron Pharmaceuticals, Inc. (“Patent Owner”) hereby files this motion for Mr. Daniel Reisner to appear *pro hac vice* on its behalf before the Patent Trial and Appeal Board in this proceeding. As required by the Board’s Notice of Filing Date Accorded to Petition (Paper 3) this motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c) is being “filed in accordance with the ‘Order -- Authorizing Motion for *Pro Hac Vice* Admission’ in Case IPR2013-00639” (“IPR2013-00639 Order”). (Paper 3 at 2.). Patent Owner conferred with Petitioner Mylan Pharmaceuticals Inc. (“Petitioner”) and Petitioner does not oppose the Motion for Admission *pro hac vice*.

#### **I. STATEMENT OF FACTS**

The following facts, along with the attached Declaration of Daniel Reisner (Reisner Decl.) support admission of Mr. Reisner *pro hac vice* in this proceeding.

1. Lead Counsel Deborah E. Fishman (Reg. No. 48,621) and Back-up Counsel Alice S. Ho (Lim. Rec. No. L1162) are the counsel of record for Patent Owner. Ms. Fishman and Ms. Ho are experienced patent attorneys and have worked closely with Mr. Reisner since they became involved in these proceedings, and will continue to do so.

2. Mr. Reisner has significant familiarity with the subject matter in this proceeding and has substantive knowledge of the patent-at-issue (Patent No. 9,254,338 B2 (the “338 Patent”)) by virtue of his preparation for this

proceeding. (Reisner Decl. ¶ 10). Mr. Reisner has conducted a detailed review of the '338 Patent, the relevant prior art, and the prosecution history and related patents. He has been working on issues related to the '338 Patent and Patent Owner's commercial product, Eylea<sup>®</sup> over the last year, has worked closely with Patent Owner's expert Dr. Diana Do, and was substantively involved in the preparation of the Patent Owner Preliminary Response. Therefore, Mr. Reisner has significant experience with the subject matter of this proceeding.

## **II. REASONS FOR GRANTING THE MOTION**

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 and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). As set forth above, lead counsel in this proceeding, Deborah E. Fishman, is a registered practitioner. Moreover, as set forth above and in the accompanying Reisner declaration, Mr. Reisner is a patent litigation attorney and has an established familiarity with the subject matter at issue in the proceeding. (Reisner Decl. ¶¶ 2, 10).

Case IPR2021-00881  
Patent No. 9,254,338 B2

### **III. CONCLUSION**

Because this motion and the accompanying declaration meet all of the Board's requirements, Patent Owner respectfully requests that the Board admit Mr. Daniel Reisner *pro hac vice*, in this proceeding.

Case IPR2021-00881  
Patent No. 9,254,338 B2

Dated: November 22, 2021

Respectfully submitted,

/s/ Deborah E. Fishman

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**Counsel for Patent Owner  
Regeneron Pharmaceuticals, Inc.**

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