

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,

Petitioner

v.

REGENERON PHARMACEUTICALS, INC.,

Patent Owner

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

***PRO HAC VICE* MOTION TO ADMIT MATTHEW M. WILK 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. Matthew M. Wilk 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 Matthew M. Wilk (Wilk Decl.) support admission of Mr. Wilk *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. Wilk since they became involved in these proceedings, and will continue to do so.

2. Mr. Wilk 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. (Wilk Decl. ¶ 9). Mr. Wilk has conducted a detailed review of the ‘338 Patent, the relevant prior art, and the prosecution history and related patents. In fact, a significant amount of Mr. Wilk’s time since March 2020 has been spent working on issues related to the ‘338 Patent and Patent Owner’s commercial product, Eylea[®]. Mr. Wilk was substantively involved in the preparation of the Patent Owner Preliminary Response. Therefore, Mr. Wilk 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 Wilk declaration, Mr. Wilk is a patent litigation attorney and has an established familiarity with the subject matter at issue in the proceeding. (Wilk Decl. ¶¶ 2, 9).

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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. Matthew M. Wilk *pro hac vice*, in this proceeding.

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Dated: November 22, 2021

Respectfully submitted,

/s/ Deborah E. Fishman

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