

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC,
Petitioner,

v.

EYE THERAPIES, LLC,
Patent Owner.

Case No.: IPR2022-00142

U.S. Patent No.: 8,293,742

**PETITIONER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF ROBERT FREDERICKSON III
UNDER 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Slayback Pharma LLC respectfully requests *pro hac vice* admission of Robert Frederickson III in this proceeding, IPR2022-00142, regarding U.S. Patent No. 8,293,742 (“the ’742 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 November 22, 2021 (Paper No. 3), authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Petitioner Slayback Pharma LLC respectfully requests that the Board allow Robert Frederickson III to appear *pro hac vice* on its behalf in this proceeding. Petitioner does not oppose 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), Petitioner has demonstrated good cause to admit Mr. Frederickson *pro hac vice* in this proceeding. In particular, Petitioner’s lead counsel is a registered practitioner, and Mr. Frederickson 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. Frederickson *pro hac vice*; and is being filed concurrently with Exhibit 1044, the Declaration of Robert Frederickson III in Support of Petitioner's Motion for *Pro Hac Vice* Admission of Robert Frederickson III ("Frederickson Decl.").

III. STATEMENT OF MATERIAL FACTS

1. 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."

2. Linnea P. Cipriano, lead counsel for Petitioner Slayback Pharma LLC in this proceeding, is a registered practitioner holding Registration No. 67,729.

3. As set forth in the Frederickson Decl., Mr. Frederickson is an experienced litigating attorney. Specifically, Mr. Frederickson has nearly 15 years of experience representing clients in patent litigations, in United States district courts and the Court of Appeals for the Federal Circuit. (Frederickson Decl., ¶¶ 4-5).

4. Mr. Frederickson also has an established familiarity with the precise subject matter at issue in this proceeding. In the course of this representation, she has developed a strong familiarity with the '742 patent, its prosecution history, the general subject matter to which the '742 patent is directed, and the prior art references relied upon by Petitioner and Patent Owner in support of their respective pleadings. (Frederickson Decl., ¶ 6). Additionally, Mr. Frederickson has thoroughly reviewed the Petition, the Patent Owner's Response, and accompanying Exhibits submitted in this proceeding. (*Id.*).

5. Mr. Frederickson has attested to the each of the requirements set forth in paragraph 2(b)(i)-(viii) of the "Order Authorizing Motion for Pro Hac Vice Admission" in IPR 2013-00639, Paper 7, at 3. (Frederickson Decl., ¶¶ 6-13).

IV. CONCLUSION

In view of the foregoing, Petitioner respectfully submits that the requirements of 37 C.F.R. § 42.10(c) have been satisfied, and requests an Order permitting Robert Frederickson III to appear *pro hac vice* on its behalf in this proceeding.

Dated: August 5, 2022

Respectfully submitted,

/Linnea P. Cipriano/

Linnea P. Cipriano

(Reg. No. 67,729)

Goodwin Procter LLP

620 Eighth Avenue

New York, NY 10018

Phone: (212) 813-8800

Fax: (212) 937-2204

lcipriano@goodwinlaw.com

Counsel for Petitioner Slayback Pharma LLC

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.