

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRESENIUS KABI USA, LLC,
Petitioner,

v.

NOVO NORDISK A/S,
Patent Owner.

Case IPR2022-00657
Patent 8,114,833

**PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC*
VICE OF RYAN P. JOHNSON UNDER 37 C.F.R. § 42.10(c)**

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), as authorized by the Board’s Notice of Filing Date Accorded mailed March 15, 2022 (Paper 3), and in accordance with the Board’s Order, Paper 7 in Case IPR2013-00639, Patent Owner Novo Nordisk A/S (“Patent Owner”) requests that the Board admit Ryan P. Johnson *pro hac vice* in this proceeding. Counsel for Petitioner Fresenius Kabi USA, LLC (“Petitioner”) has informed counsel for Patent Owner that Petitioner does not oppose this Motion.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* IN THE PROCEEDING

Under 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 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.”

The facts, supported by the attached Declaration of Ryan P. Johnson in Support of Patent Owner’s Motion for Admission *Pro Hac Vice* (EX2001) establish good cause to admit Mr. Johnson *pro hac vice* in this proceeding.

1. Lead counsel, Jeffrey Oelke, is a registered practitioner (Reg. No. 37,409).

2. Counsel for Patent Owner contacted counsel for Petitioner, who indicated that Petitioner did not plan to oppose Mr. Johnson's admission *pro hac vice*.

3. Counsel, Ryan P. Johnson, is an experienced litigating attorney with over fourteen years in private practice and substantial experience with patent litigation. EX2001 at ¶ 9. Mr. Johnson has been counsel in patent infringement matters in multiple U.S. District Courts, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of Appeals for the Fourth Circuit. *Id.* Mr. Johnson is a member in good standing of the State Bars of New York and Connecticut. *Id.* at ¶ 1. He is also admitted to practice in the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States Court of Appeals for the Federal Circuit, and the United States District Court for the Fourth Circuit. *Id.* He has had no suspensions or disbarments from practice, no application for admission to practice denied, nor any sanctions or contempt citations. *Id.* at ¶¶ 2-4.

4. Within the past three years, Mr. Johnson has applied for and been granted permission to practice before this Board *pro hac vice* in the following matters: *Pharmacosmos A/S v. American Regent, Inc.*, PGR2020-00009 (Paper No.

11); *Mylan Institutional LLC v. Novo Nordisk A/S*, IPR2020-00324 (Paper No. 12).
Id. at ¶ 7. Mr. Johnson also has a Motion for *Pro Hac Vice* pending before the Board
in the following proceeding: *Pharmacosmos A/S v. Luitpold Pharmaceuticals, Inc.*,
IPR2015-01493 (Paper No. 67). *Id.*

5. Mr. Johnson has familiarity with the subject matter and patent-at-issue
in this proceeding, U.S. Patent No. 8,114,833 (the “’833 patent”), including its
prosecution history and the scientific field to which the ’833 patent is addressed. *Id.*
at ¶ 8. Mr. Johnson has served and is presently serving as counsel for Patent Owner
in district court litigation involving the ’833 patent and served as counsel in *Mylan
Institutional LLC v. Novo Nordisk A/S*, IPR2020-00324, which also concerned the
’833 patent. *Id.*

6. Mr. Johnson has read and will comply with the Office Patent Trial
Practice Guide and updates thereto and the Board’s Rules for Practices for Trials set
forth in part 42 of title 37 of the Code of Federal Regulations, and he agrees to be
subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101
et seq. and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). EX2001 at ¶¶ 5-
6.

III. STATEMENT OF REASONS FOR THE RELIEF REQUESTED

The facts stated above, as supported by the Declaration of Ryan P. Johnson
(EX2001), establish that there is good cause to admit Mr. Johnson *pro hac vice* in

this proceeding under 37 C.F.R. § 42.10(c). Patent Owner's Lead Counsel, Jeffrey Oelke, is a registered practitioner. Mr. Johnson is an experienced litigating attorney who has familiarity with the subject matter at issue in the proceeding.

IV. CONCLUSION

For all of the reasons set forth above, Patent Owner respectfully requests that the Board admit Ryan P. Johnson *pro hac vice* in this proceeding.

Dated: June 13, 2022

Respectfully submitted,

/Jeffrey J. Oelke/

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