

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIGEL PHARMACEUTICALS, INC.

Petitioner,

v.

SERVIER PHARMACEUTICALS LLC

Patent Owner.

Case No. IPR2022-01423

Patent: 10,610,125

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
EVAN D. DIAMOND**

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U.S. Patent and Trademark Office
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EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of Vanessa Y. Yen in Support of Motion for <i>Pro Hac Vice</i>
2002	Vanessa Y. Yen Biography
2003	Declaration of Evan D. Diamond in Support of Motion for <i>Pro Hac Vice</i>
2004	Evan D. Diamond Biography
2005	Declaration of Hassen A. Sayeed, M.D. in Support of Motion for <i>Pro Hac Vice</i>
2006	Hassen A. Sayeed, M.D. Biography

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner, Servier Pharmaceuticals LLC (“Patent Owner”) respectfully requests the *pro hac vice* admission of attorney Evan D. Diamond for purposes of the above-captioned *inter partes* review proceeding. Patent Owner has conferred with counsel for Rigel Pharmaceuticals, Inc. (“Petitioner”), and Petitioner does not oppose this motion.

I. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE EVAN D. DIAMOND *PRO HAC VICE* IN THIS PROCEEDING

The Board may recognize counsel *pro hac vice* during an inter partes review 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). “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.” *Id.*

As set forth below and in the accompanying Declaration of Evan D. Diamond in Support of Motion to Appear *Pro Hac Vice* (“Diamond Decl.,” Exhibit 2003), the facts here establish good cause for the Board to recognize Evan Diamond *pro hac vice* in this proceeding.

1. Mr. Diamond is a member in good standing of the State Bar of New York (Bar No. 4595419). *See* Exhibit 2003, ¶ 2.

2. Mr. Diamond has never been suspended or disbarred from practice before any court or administrative body. *See* Exhibit 2003, ¶ 3.

3. None of Mr. Diamond's applications for admission to practice before any court or administrative body have ever been denied. *See* Exhibit 2003, ¶ 4.

4. Mr. Diamond has not been sanctioned nor has he had a contempt citation imposed on her by any court or administrative body. *See* Exhibit 2003, ¶ 5.

5. Mr. Diamond has declared that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R. *See* Exhibit 2003, ¶ 6.

6. Mr. Diamond has acknowledged and agrees that he will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. § 11.101 et. seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *See* Exhibit 2003, ¶ 7.

7. Mr. Diamond is a Partner in the Life Sciences Intellectual Property practice of King & Spalding LLP, and is an experienced patent litigation attorney in the fields of pharmaceuticals and biotechnology, in both federal district court patent infringement suits across the country and in *inter partes* review proceedings before the Patent Trial and Appeal Board. *See* Exhibit 2003, ¶ 8. Mr. Diamond has a technical background pertinent to the issues in this proceeding, including a B.A. in

Biochemistry and an M.S. in Chemistry from the University of Pennsylvania. *See* Exhibit 2003, ¶ 9.

8. Mr. Diamond has studied and analyzed the field of technology relevant to the '125 patent, as well as the claims, specification and prosecution history of the '125 patent. Accordingly, Mr. Diamond has become very familiar with both the particular subject matter and substantive issues concerning the '125 patent. He is also familiar with the alleged prior art references asserted by Petitioner in this *inter partes* review proceeding. *See* Exhibit 2003, ¶ 10.

In view of Mr. Diamond's knowledge of the subject matter at issue in this proceeding, Patent Owner has a substantial need for Mr. Diamond's *pro hac vice* admission and his involvement in this proceeding.

II. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Evan D. Diamond *pro hac vice* in this proceeding.

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