

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL  
BOARD**

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TWI PHARMACEUTICALS, INC.,  
Petitioner,

v.

MERCK SERONO SA,  
Patent Owner.

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Case IPR2023-00049

U.S. Patent 7,713,947

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**PATENT OWNER'S MOTION FOR  
ADMISSION *PRO HAC VICE* OF  
DAVID B. BASSETT**

**I. Statement of Precise Relief Requested**

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 3 authorizing the parties to file motions for *pro hac vice* admissions under 37 C.F.R. § 42.10(c), Patent Owner Merck Serono SA requests that the Patent Trial and Appeal Board (the "Board") admit David B. Bassett *pro hac vice* in this proceeding, IPR2023-00049. The parties have met and conferred, and Petitioner does not oppose this motion.

**II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding**

In accordance with 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. Section 42.10(c) indicates that "where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." The facts here establish good cause for the Board to recognize Mr. Bassett *pro hac vice* in this proceeding.

Lead counsel, Emily R. Whelan, is a registered practitioner. Backup counsel, Deric Geng and Cindy Kan, are also registered practitioners. Mr. Bassett is an experienced litigator and has established familiarity with the subject matter at

issue in the proceeding.

Accompanying this motion as Exhibit 2001 is the January 27, 2024, Declaration of David B. Bassett in Support of this Motion for Admission *Pro Hac Vice* (“Bassett Decl.”). In his declaration, Mr. Bassett asserts:

I am a member in good standing of the Bars of Indiana, Massachusetts, and New York and am admitted to practice before the U.S. District Court for the District of Massachusetts. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit.

Bassett Decl. ¶ 2 (Ex. 2001) (footnote omitted).

Mr. Bassett demonstrates that he has a detailed working knowledge of the relevant subject matter through his participation in the *inter partes* review matters challenging U.S. Patent No. 7,713,947 and U.S. Patent No. 8,377,903 and in parallel district court litigations. *Id.* ¶ 10 (Ex. 2001). Mr. Bassett also has significant experience with litigation involving pharmaceuticals, biotechnology, and diagnostics, including small molecule therapeutics and treatment for neurological disorders. *Id.* ¶ 11 (Ex. 2001).

In his declaration, Mr. Bassett also attests to each of the listed items required by the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7. *See* Bassett Decl. ¶¶ 1-12 (Ex. 2001). Mr. Bassett attests

that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42. *See id.* ¶ 7 (Ex. 2001). Mr. Bassett further attests that he agrees to be subject to the United States Patent and Trademark Office's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *See id.* ¶ 8 (Ex. 2001).

### III. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Mr. Bassett *pro hac vice* in this proceeding. The undersigned authorizes the Office to charge \$250 to Deposit Account No.08-0219 for the fees set forth in 37 C.F.R. § 42.15(e) for this *pro hac vice* motion. Please charge any shortage of fees or credit any overpayments to the above Deposit Account.

Dated: February 2, 2024

Respectfully Submitted,

/Emily R. Whelan/

Emily R. Whelan, Reg. No. 50,391  
*Counsel for Patent Owner*

**PATENT OWNER'S EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
2001	Declaration of David B. Bassett in Support of Motion for Admission <i>Pro Hac Vice</i>
2002	Declaration of Vinita Ferrera in Support of Motion for Admission <i>Pro Hac Vice</i>

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