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.

_____

Case IPR2023-00049
U.S. Patent 7,713,947

_____

**PATENT OWNER'S MOTION FOR
ADMISSION *PRO HAC VICE* OF
H. RACHAEL MILLION-PEREZ**

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 H. Rachael Million-Perez *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 Ms. Million-Perez *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. Ms. Million-Perez is an experienced litigator and has established familiarity with the subject

Patent Owner's Motion for Admission *Pro Hac Vice* of H. Rachael Million-Perez

matter at issue in the proceeding.

Accompanying this motion as Exhibit 2080 is the May 21, 2024, Declaration

of H. Rachael Million-Perez in Support of this Motion for Admission *Pro Hac*

Vice ("Million-Perez Decl."). In her declaration, Ms. Million-Perez asserts:

> I am a member in good standing of the New York and Colorado
>
> Bars and am admitted to practice before the U.S. Court of Appeals
>
> for the Federal Circuit, the U.S. Court of Appeals for the Sixth
>
> Circuit, the U.S. District Court for the District of Colorado, and the
>
> U.S. District Court for the Western District of Tennessee.

Million-Perez Decl. ¶ 2 (Ex. 2080).

Ms. Million-Perez demonstrates that she has a detailed working knowledge

of the relevant subject matter through her review of papers in the *inter partes*

review matters challenging U.S. Patent No. 7,713,947 and U.S. Patent No.

8,377,903 and participation in consolidated district court litigations. *Id*. ¶ 10 (Ex.

2080). Ms. Million-Perez also has significant experience with patent litigation in a

variety of jurisdictions, including in district court litigation. *Id*. ¶ 1 (Ex. 2080).

Ms. Million-Perez will work in coordination and association with the designated

lead counsel for this proceeding, Emily R. Whelan. *Id.* ¶ 11 (Ex. 2080).

In her declaration, Ms. Million-Perez 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* Million-Perez Decl. ¶¶ 1-12 (Ex. 2080). Ms.

Million-Perez attests that she 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. 2080). Ms. Million-Perez further attests that she 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. 2080).

III.   Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board

admit Ms. Million-Perez *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: May 22, 2024   Respectfully Submitted,

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

PATENT OWNER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
2001	Declaration of David B. Bassett in Support of Motion for Admission *Pro Hac Vice*
2002	Declaration of Vinita Ferrera in Support of Motion for Admission *Pro Hac Vice*
2003	Declaration of Mary Pheng in Support of Motion for Admission *Pro Hac Vice*
2004	J. C. Sipe *et al.*, *Cladribine in Treatment of Chronic Progressive Multiple Sclerosis*, 344 THE LANCET 9 (1994)
2005	B. M. Greenberg *et al.*, *Multiple Sclerosis*, *in* PHARMACOLOGY AND THERAPEUTICS: PRINCIPLES TO PRACTICE 685 (S. A. Waldman & A. Terzic eds., 2009)
2006	C. Krishnan *et al.*, *Reduction of Disease Activity and Disability With High-Dose Cyclophosphamide in Patients With Aggressive Multiple Sclerosis*, 65 ARCHIVES OF NEUROLOGY 1044 (2008)
2007	B. Greenberg & E. M. Frohman, *Defining Success in Multiple Sclerosis: Treatment Failures and Nonresponders*, 8 PROCEEDINGS, JOHNS HOPKINS ADVANCED STUDIES IN MEDICINE 274 (2008)
2008	B. M. Greenberg *et al.*, *Current and Emerging Multiple Sclerosis Therapeutics*, 16 CONTINUUM 58 (2010)
2009	Transcript of Deposition of Benjamin Greenberg (Feb. 26, 2024)

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