

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SANDOZ INC.,  
Petitioner,

v.

ACERTA PHARMA B.V.,  
Patent Owner.

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IPR2023-00478  
Patent 10,272,083 B2

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Before ULRIKE W. JENKS and RYAN H. FLAX,  
*Administrative Patent Judges.*

JENKS, *Administrative Patent Judge.*

ORDER  
Granting Petitioner's Motion for Admission  
*Pro Hac Vice* of Charles B. Klein and Eimeric Reig-Plessis  
*37 C.F.R. § 42.10*

On May 3, 2023, Petitioner filed a motion requesting *pro hac vice* admission of Charles B. Klein and Eimeric Reig-Plessis. Paper 6 (“Motion”). Petitioner submitted Declarations from Mr. Klein and Mr. Reig-Plessis in support of the Motion. Ex. 1044–1045 (“Declarations”). Petitioner attests that Patent Owner does not oppose the Motion. Motion 2. For the reasons provided below, we *grant* Petitioner’s Motion.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motion and the accompanying Declarations, we conclude that Mr. Klein and Mr. Reig-Plessis have sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Klein and Mr. Reig-Plessis have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, that Mr. Klein and Mr. Reig-Plessis meet all other requirements for admission *pro hac vice*. *See* Ex. 1044 ¶¶ 1–8; Ex. 1045 ¶¶ 1–8. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Klein and Mr. Reig-Plessis.

We note that Petitioner has filed a Power of Attorney including Mr. Klein and Mr. Reig-Plessis in accordance with 37 C.F.R. § 42.10(b).

Paper 1. Petitioner has also included a Mandatory Notice in the Petition, identifying Mr. Klein and Mr. Reig-Plessis as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 2.

It is, therefore,

ORDERED that Petitioner's Motion seeking admission *pro hac vice* for Mr. Klein and Mr. Reig-Plessis is *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel for the instant proceeding, but that Mr. Klein and Mr. Reig-Plessis are authorized to act as back-up counsel;

FURTHER ORDERED that Mr. Klein and Mr. Reig-Plessis comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide<sup>1</sup> (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Klein and Mr. Reig-Plessis are subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

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<sup>1</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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