

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOPEWELL PHARMA VENTURES, INC.,
Petitioner,

v.

MERCK SERONO S.A.,
Patent Owner.

IPR2023-00480 (Patent 7,713,947 B2)
IPR2023-00481 (Patent 8,377,903 B2)

Before ZHENYU YANG, ROBERT A. POLLOCK, and TIMOTHY G.
MAJORS, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

ORDER¹

Granting Petitioner's Motions for *Pro Hac Vice* Admission of
Christina E. Dashe and John Christopher Rozendaal
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in all above-captioned proceedings. We exercise our discretion to issue one Order to be filed in each proceeding. The parties are not authorized to use this style heading in subsequent papers.

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On January 5, 2024, Hopewell Pharma Ventures, Inc. (“Petitioner”) filed motions requesting *pro hac vice* admission of Christina E. Dashe and John Christopher Rozendaal in each of the above-identified proceedings. Papers 24 and 25 (collectively “Motions”).² Petitioner also submitted Declarations from Christina E. Dashe (Ex. 1053) and John Christopher Rozendaal (Ex. 1054) in support of the Motions (collectively “Declarations”).³ Petitioner attests that Merck Serono S.A. (“Patent Owner”) does not oppose the Motions. Paper 24, 1; Paper 25, 1. For the reasons provided below, Petitioner’s Motions are *granted*.

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. 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*, 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 Motions and the accompanying Declarations,⁴ we conclude that Ms. Dashe and Mr. Rozendaal each have

² For purposes of expediency, we cite to Papers filed in IPR2023-00480. Petitioner filed similar Motions in IPR2023-00481 (Papers 24 and 25).

³ We cite to Exhibits filed in IPR2023-00480. Petitioner filed similar Declarations in IPR2023-00481 (Exs. 1053 and 1054).

⁴ *Unified Patents* indicates that “A motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last

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sufficient legal and technical qualifications to represent Petitioner in these proceedings, have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. See Exs. 1053 and 1054.

Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Dashe and Mr. Rozendaal. Ms. Dashe and Mr. Rozendaal will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Petitioner has filed a Power of Attorney including Ms. Dashe and Mr. Rozendaal in accordance with 37 C.F.R. § 42.10(b). IPR2023-00480, Paper 22; and IPR2023-00481, Paper 22. Petitioner has also filed Mandatory Notices identifying Ms. Dashe and Mr. Rozendaal as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). IPR2023-00480, Paper 23; and IPR2023-00481, Paper 23.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Christina E. Dashe and John Christopher Rozendaal are *granted*;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for the above-identified proceedings;

three (3) years.” See *Unified Patents*, Paper 7 at 3. The Declaration of Ms. Dashe fails to identify any other proceedings before the Office for which Ms. Dashe has applied to appear *pro hac vice*. See Ex. 1053. For the purposes of this Order, we deem this harmless error, and treat the omission as a representation that Ms. Dashe has not applied to appear *pro hac vice* in any other proceedings before the Office (aside from IPR2023-00480 and IPR2023-00481) in the last three years.

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FURTHER ORDERED that Ms. Dashe and Mr. Rozendaal are authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Ms. Dashe and Mr. Rozendaal comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁵ (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 Ms. Dashe and Mr. Rozendaal 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.*

⁵ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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PETITIONER:

Eldora Ellison
Eellison-ptab@sternekessler.com

Olga Partington
Opartington-ptab@sternekessler.com

Chandrika Vira
Cvira-ptab@sternekessler.com

PATENT OWNER:

Emily Whelan
Emily.whelan@wilmerhale.com

Deric Geng
Deric.geng@wilmerhale.com

Cindy Kan
Cindy.kan@wilmerhale.com