

UNITED STATES PATENT AND TRADEMARK
OFFICE

BEFORE THE PATENT TRIAL AND APPEAL
BOARD

APOTEX, INC.,
Petitioner,

v.

CELGENE CORPORATION,
Patent Owner.

Case IPR2023-00512
Patent 8,846,628

PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION
PRO HAC VICE OF NORA Q.E. PASSAMANECK

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Bristol-Myers Squibb Co. requests that the Patent Trial and Appeal Board (the “Board”) admit Nora Q.E. Passamaneck *pro hac vice* in this proceeding, IPR2023-00512. The parties have 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 the Board may impose. Section 42.10(c) indicates that, “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 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 Nora Q.E. Passamaneck *pro hac vice* in this proceeding.

1. Lead counsel, Heather M. Petruzzi, is a registered practitioner. Backup counsel Laura Macro and Gabriel Rosanio are also registered practitioners.
2. Nora Q.E. Passamaneck is an experienced attorney who has an established familiarity with the subject matter at issue in the proceeding.

Patent Owner's Unopposed Motion for Admission *Pro Hac Vice* of Nora Q.E.
Passamaneck

Accompanying this motion as Exhibit 2153 is the Declaration of Nora Q.E.

Passamaneck in Support of this Motion for Admission *Pro Hac Vice*

(“Passamaneck Decl.”). In her declaration, Ms. Passamaneck asserts:

I am a member in good standing of the Bars of the Commonwealth of Massachusetts, State of New York, and State of Colorado. I am admitted to practice before the U.S. District Courts for the District of Colorado, District Court for the Eastern District of New York, and District Court for the Southern District of New York. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit and the Tenth Circuit.

Passamaneck Decl. ¶ 3 (Ex.2153). Ms. Passamaneck also demonstrates that she has a detailed working knowledge of the relevant subject matter through her familiarity with pharmaceutical technologies as a result of participation as counsel in related district court litigations on this patent as well as many prior pharmaceutical-related intellectual property cases on behalf of BMS/Celgene and other pharmaceutical companies. Passamaneck Decl. ¶ 5–6 (Ex.2153).

3. In her declaration, Ms. Passamaneck also attests to each of the listed items required by the Order – Notice of Filing Date Accorded to Petition And Time For Filing Patent Owner Preliminary Response – 37 C.F.R. § 42.10(c) in

IPR2023-00512. *See* Passamaneck Decl. ¶ 10 (Ex.2153). Ms. Passamaneck attests that she has read and will comply with the Patent Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 35 C.F.R. § 42. *Id.*, ¶ 11. Ms. Passamaneck 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). *Id.*, ¶ 12.

III. Conclusion

For the foregoing reasons, and in view of the Declaration submitted herewith (Ex.2153), Patent Owner respectfully requests that the Board grant this motion and admit Ms. Passamaneck *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: October 25, 2023

Respectfully submitted,

/Heather M. Petruzzi/

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