

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DANA-FARBER CANCER INSTITUTE, INC.,
Petitioner,

v.

BRISTOL-MYERS SQUIBB CO.,
Patent Owner.

IPR2023-00249 (Patent 10,323,092 B2)
IPR2023-00252 (Patent 10,138,299 B2)¹

Before JEFFREY N. FREDMAN, ERICA A. FRANKLIN, and
ZHENYU YANG, *Administrative Patent Judges*.

YANG, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motions for *Pro Hac Vice*
Admission of Katherine A. Helm and Noah M. Leibowitz
37 C.F.R. § 42.10

¹ This Decision addresses the same issue for the above-identified cases. Therefore, we exercise our discretion to issue one decision to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

Petitioner filed Motions for *pro hac vice* admission of Katherine A. Helm (Paper 6² (“Helm Motion”)) and Noah M. Leibowitz (Paper 7 (“Leibowitz Motion”)) as well as supporting declarations from Ms. Helm (Exhibit 1071 (“Helm Declaration”)) and from Mr. Leibowitz (Exhibit 1072 (“Leibowitz Declaration”)) in the above-listed proceedings. Petitioner states Patent Owner does not oppose the motions. Helm Motion 1; Leibowitz Motion 1. For the following reasons, the Motions are *granted*.

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”).

Having reviewed the Motions and supporting Declarations, good cause exists for granting admission *pro hac vice* to Ms. Helm and Mr. Leibowitz.

Accordingly, it is:

ORDERED that Petitioner’s Motions for *Pro Hac Vice* Admission are *granted*, and Ms. Helm and Mr. Leibowitz are authorized to represent Petitioner as back-up counsel in the above-listed proceedings;

² All citations are to IPR2023-00249 unless otherwise noted.

IPR2023-00249 (Patent 10,323,092 B2)

IPR2023-00252 (Patent 10,138,299 B2)

FURTHER ORDERED that a registered practitioner will continue to represent Petitioner as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Ms. Helm and Mr. Leibowitz each shall comply with the Office Patent Trial Practice Guide³ (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 each of Ms. Helm and Mr. Leibowitz are subject to the USPTO's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2023-00249 (Patent 10,323,092 B2)

IPR2023-00252 (Patent 10,138,299 B2)

PETITIONER:

Amanda Antons

Amanda.antons@dechert.com

PATENT OWNER:

Steven D. Maslowski

Matt Pearson

Rachel J. Elsby

Jason Weil

AKIN GUMP STRAUSS HAUER &

FELD LLP

smaslowski@akingump.com

mpearson@akingump.com

relsby@akingump.com

jweil@akingump.com