Trials@uspto.gov
Tel: 571-272-7822

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD.,
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

IPR2023-00442
Patent 10,130,681 B2

Before JOHN G. NEW, SUSAN L. C. MITCHELL, and ROBERT A POLLOCK, *Administrative Patent Judges*.

NEW, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motions for Admission
pro hac vice of Zachariah Summers and Elliot Choi
37 C.F.R. § 42.10(c)

Petitioner has filed motions for admission *pro hac vice* of Zachariah Summers (Paper 22) and Elliot Choi (Paper 23) in the above-captioned proceeding (collectively, "Motions"). The Motions are supported by Declarations of Mr. Summers (Ex. 1065) and Mr. Choi (Ex. 1066). Petitioner represents that Patent Owner does not oppose the Motions. Papers 22, 1; 23, 1.

Pursuant to 37 C.F.R. § 42.10(c), we 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. A motion for admission *pro hac vice* must contain a statement of facts showing there is good cause for us to recognize counsel *pro hac vice* during the proceeding and be accompanied by an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, slip op. at 3–4 (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, we conclude that Mr. Summers and Mr. Choi have sufficient legal and technical qualifications to represent Petitioner in this proceeding, that Mr. Summers and Mr. Choi have demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and that Mr. Summers and Mr. Choi meet all other requirements for admission *pro hac vice*. *See* Exs. 1065 ¶¶ 1–10; 1066 ¶¶ 1–10. Accordingly, Petitioner has established good cause for admission *pro hac vice* of Mr. Summers and Mr. Choi. Mr. Summers and Mr. Choi will be permitted to act as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Summers and Mr. Choi. Therefore, Petitioner's Motion is CONDITIONALLY GRANTED, and will become effective after Petitioner files a Power of Attorney for Mr. Summers and Mr. Choi.

Petitioner also has not filed an updated mandatory notice identifying Mr. Summers and Mr. Choi as back-up attorneys. Petitioner must therefore file an updated mandatory notice identifying Mr. Summers and Mr. Choi as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

ORDER

It is therefore:

ORDERED that Petitioner's Motions for Admission *pro hac vice* of Zachariah Summers and Elliot Choi are conditionally granted, provided that within ten (10) business days of the date of this order, Petitioner submits a Power of Attorney for Mr. Summers and Mr. Choi in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner must file an updated mandatory notice identifying Mr. Summers and Mr. Choi as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in this proceeding, but that Mr. Summers and Mr. Choi are authorized to act as back-up counsel in this proceeding;

FURTHER ORDERED that Mr. Summers and Mr. Choi shall comply with the Office Patent Trial Practice Guide, as updated by the Office Patent

Trial Practice Guide[1] (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 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Summers and Mr. Choi are subject to the USPTO's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

[1] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

PETITIONER:

Raymond Nimrod
Matthew Traupman
Landon Smith
QUINN EMANUEL URQUHART & SULLIVAN, LLP
raynimrod@quinnemanuel.com
matthewtraupman@quinnemanuel.com
landonsmith@quinnemanuel.com

PATENT OWNER:

Deborah Fishman
David Caine
Alice Ho
David Denuyl
ARNOLD & PORTER KAYE SCHOLER, LLP
deborah.fishman@arnoldporter.com
david.caine@arnoldporter.com
alice.ho@arnoldporter.com
david.denuyl@arnoldporter.com