

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDOZ INC.,
Petitioner,

v.

ACERTA PHARMA B.V.,
Patent Owner.

Case IPR2023-00478
Patent 10,272,083 B2

**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF CHARLES B. KLEIN AND EIMERIC REIG-PLESSIS
UNDER 37 C.F.R. § 42.10**

Pursuant to 37 C.F.R. § 42.10 and the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in Paper Number 3 (dated February 15, 2023 (“the Notice”)), Petitioner, SANDOZ INC. (“Petitioner”), submits this unopposed motion for Charles B. Klein and Eimeric Reig-Plessis, to appear *pro hac vice*. Petitioner respectfully requests that the Board recognize Mr. Klein and Mr. Reig-Plessis as counsel *pro hac vice* during this proceeding and demonstrates good cause for doing so as shown below.

STATEMENT OF FACTS

A. Charles B. Klein

Pursuant to the Notice, the following statement of facts shows that good cause exists for the Board to recognize Mr. Klein *pro hac vice*.

Lead counsel for this proceeding, Jovial Wong, is a registered practitioner (Reg. No. 60,115).

Mr. Klein is an experienced litigation attorney with 20 years of litigation experience. Ex. 1044 ¶ 8. He has been involved in numerous patent infringement cases in federal district courts across the country. *Id.* He has experience in various aspects of patent infringement matters, including jury and bench trials, *Markman* hearings, and summary judgment hearings. *Id.* He has argued in multiple patent cases in federal courts. *Id.*

Mr. Klein is a member in good standing of the District of Columbia and Virginia Bars and is admitted to practice before the United States Supreme Court, United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Third Circuit, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the Seventh Circuit, United States Court of Appeals for the Ninth Circuit, United States Court of Appeals for the District of Columbia Circuit, United States Court of Federal Claims, United States Court for the District of Arizona, United States Court for the District of Columbia, United States Court for the District of Maryland, United States Court for the Eastern District of Michigan, United States Court for the Eastern District of Virginia, United States Court for the Western District of Virginia, United States Court for the Northern District of California, United States Court for the Southern District of New York, United States Court for the Middle District of Georgia, United States Court for the District of Massachusetts, United States Court for the District of New Jersey, United States Court for the Middle District of North Carolina, United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, Supreme Court for the Commonwealth of Virginia, and the Superior Court of the District of Columbia.

Id. ¶ 1.

Mr. Klein has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him. *Id.* ¶¶ 2-4.

Mr. Klein has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. *Id.* ¶ 8. Moreover, Mr. Klein has reviewed the involved patent, the Petition, the prior art, and all other cited materials. *Id.* Given his extensive patent litigation experience and his familiarity with the instant Petition, the cited materials, and the patented technology, Mr. Klein has established familiarity with the subject matter at issue in this proceeding. *Id.*

Mr. Klein has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶¶ 5-6.

In the last several years, Mr. Klein was admitted *pro hac vice* in IPR2017-01101, Paper 18 (Dec. 5, 2017); IPR2017-01103, Paper 18 (Dec. 5, 2017); IPR2017-01104, Paper 18 (Dec. 5, 2017); IPR2014-01126, Paper 17 (Sept. 29, 2014), IPR2015-00864, Paper 51 (Nov. 5, 2015), IPR2015-00865, Paper 51 (Nov. 5, 2015), and IPR2017-01115, Paper 12 (July 18, 2017). *Id.* ¶ 7.

Given that Mr. Klein is a trusted advisor to Petitioner on matters involving the litigation of patent disputes and his familiarity with the subject matter at issue in this proceeding, Petitioner respectfully submits that it has shown good cause for the Board to recognize Mr. Klein as counsel *pro hac vice* during this proceeding.

B. Eimeric Reig-Plessis

Pursuant to the Notice, the following statement of facts shows that good cause exists for the Board to recognize Mr. Reig-Plessis *pro hac vice*.

Lead counsel for this proceeding, Jovial Wong, is a registered practitioner (Reg. No. 60,115).

Mr. Reig-Plessis is a litigation attorney who has been involved in multiple patent infringement cases in federal district courts. Ex. 1045 ¶ 8. He has experience in various aspects of patent infringement matters and has participated in multiple patent cases in federal courts, including trials and claim construction hearings. *Id.*

Mr. Reig-Plessis is a member in good standing of the Bars of California and New York and is admitted to practice in the United States District Court for the Central District of California, United States District Court for the Northern District of California, the United States Court of Appeals for the Seventh Circuit, and the United States Court of Appeals for the Federal Circuit. *Id.* ¶ 1.

Mr. Reig-Plessis has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him. *Id.* ¶¶ 2-4.

Mr. Reig-Plessis has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. *Id.* ¶ 8. Moreover, Mr. Reig-Plessis has reviewed the involved patent, the Petition, the prior art, and all other cited materials. *Id.* Given his extensive patent litigation experience and his familiarity with the instant Petition, the cited materials, and the patented technology, Mr. Reig-Plessis has established familiarity with the subject matter at issue in this proceeding. *Id.*

Mr. Reig-Plessis has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶¶ 5-6.

In the last several years, Mr. Reig-Plessis has been admitted *pro hac vice* in IPR2022-00589, Paper 8 (June 6, 2022); IPR2021-000214, Paper 67 (June 30, 2021); IPR2021-000215, Paper 65 (June 30, 2021); IPR2021-000216, Paper 68 (June 30, 2021); PGR2021-00010, Paper 65 (June 30, 2021); IPR2017-01923, Paper 26 (May 16, 2018); IPR2018-00186, Paper 10 (April 4, 2018); IPR2017-01168,

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Paper 19 (Jan. 11, 2018); IPR2017-01101, Paper 18 (Dec. 5, 2017); IPR2017-01103, Paper 18 (Dec. 5, 2017); IPR2017-01104, Paper 18 (Dec. 5, 2017); and IPR2017-01115, Paper 12 (July 18, 2017). *Id.* ¶ 7.

Given Mr. Reig-Plessis' familiarity with the subject matter at issue in this proceeding, Petitioner respectfully submits that it has shown good cause for the Board to recognize Mr. Reig-Plessis as counsel *pro hac vice* during this proceeding.

This Motion is accompanied by the Declarations of Mr. Klein and Mr. Reig-Plessis. Ex. 1044 and Ex. 1045.

Dated: May 3, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), I certify that, on May 3, 2023, I caused to be served true and correct copies of the foregoing “PETITIONER’S MOTION FOR *PRO HAC VICE* ADMISSION OF CHARLES B. KLEIN AND EIMERIC REIG-PLESSIS, UNDER 37 C.F.R. § 42.10,” by electronic mail on counsel of record for Patent Owner as follows:

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