UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOPEWELL PHARMA VENTURES, INC.,
Petitioner,

v.

MERCK SERONO SA,
Patent Owner.

Case IPR2023-00481

U.S. Patent 8,377,903

PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF VINITA FERRERA

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 7 authorizing the parties to file motions for *pro hac vice* admissions under 37 C.F.R. § 42.10(c), Patent Owner Merck Serono SA requests that the Patent Trial and Appeal Board (the "Board") admit Vinita Ferrera *pro hac vice* in this proceeding, IPR2023-00481. The parties have met and 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 as the Board may impose. Section 42.10(c) indicates that "where 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 Ms. Ferrera *pro hac vice* in this proceeding.

Lead counsel, Emily R. Whelan, is a registered practitioner. Backup

counsel, Deric Geng and Cindy Kan, are also registered practitioners. Vinta. Ferrera is an experienced litigator and has established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion as Exhibit 2003 is the October 31, 2023, Declaration of Vinita Ferrera in Support of this Motion for Admission *Pro HacVice* ("Ferrera Decl."). In her declaration, Ms. Ferrera asserts:

> I am a member in good standing of the Bars of Massachusetts and New York and am admitted to practice before the U.S. District Court for the District of Massachusetts and the U.S. District Court for the District of Colorado. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit, the First Circuit, and the Second Circuit.

Ferrera Decl. ¶ 3 (Ex. 2003).

Vinita Ferrera demonstrates that she has a detailed working knowledge of the relevant subject matter through her participation in the *inter partes review* matters challenging U.S. Patent No. 8,377,903 and U.S. Patent No. 7,713,947 and in parallel district court litigations. *Id*. ¶ 11 (Ex. 2003). Ms.

Ferrera also has significant experience with litigation involving pharmaceuticals, methods of treatment, and small molecule therapeutics. *Id*. ¶ 12 (Ex. 2003).

In her declaration, Ms. Ferrera also attests to each of the listed items required by the "Order – Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00639, Paper 7. *See* Ferrera Decl. ¶¶ 1-13 (Ex. 2003). Ms. Ferrera attests that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42. *See id*. ¶ 8 (Ex. 2003). Ms. Ferrera 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). *See id*. ¶ 9 (Ex. 2003).

III. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Ms. Ferrera *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: November 6, 2023

Respectfully Submitted,

/Emily R. Whelan/

Emily R. Whelan, Reg. No. 50,391
Counsel for Patent Owner

PATENT OWNER'S UPDATED EXHIBIT LIST

Exhibit No.	Description
2001	MAVENCLAD® Package Insert (September 2022)
2002	Declaration of David B. Bassett in Support of Motion for Admission *Pro Hac Vice*
2003	Declaration of Vinita Ferrera in Support of Motion for Admission *Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2023, I caused a true and correct copy of the foregoing materials:

- Patent Owner's Motion for Admission *Pro Hac Vice* of Vinita Ferrera
- Exhibit 2003
- Patent Owner's Updated Exhibit List

to be served via e-mail, as consented to by Petitioner, to:

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