

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOPEWELL PHARMA VENTURES, INC.
Petitioner,

v.

MERCK SERONO S.A.,
Patent Owner.

IPR2023-00480 (Patent 7,713,947 B2)
IPR2023-00481 (Patent 8,377,903 B2)¹

Before ZHENYU YANG, ROBERT A. POLLOCK, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

MAJORS, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Unopposed Motions for
Pro Hac Vice Admission of David Mlaver and Mary Pheng
37 C.F.R. § 42.10(c)

¹ This Order addresses issues that are the same in both cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2023-00480 (Patent 7,713,947 B2)

IPR2023-00481 (Patent 8,377,903 B2)

On February 9, 2024, Patent Owner filed Motions for admission *pro hac vice* of David Mlaver (Paper 29) and Mary Pheng (Paper 31) (collectively, “the Motions”) in each of the above-identified proceedings.² Patent Owner also filed supporting Declarations of Mr. Mlaver (Ex. 2075) and Ms. Pheng (Ex. 2076). Patent Owner indicates that the Motions are unopposed. Paper 29, 1; Paper 31, 1. For the reasons provided below, Patent Owner’s Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. A motion for *pro hac vice* admission requires a statement of facts showing there is good cause to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (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. Mlaver and Ms. Pheng have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Mr. Mlaver and Ms. Pheng have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Mr. Mlaver and Ms. Pheng meet all other requirements for admission *pro hac vice*. *See* Ex. 2075 ¶¶ 1–11; Ex. 2076 ¶¶ 1–10. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Mlaver and Ms. Pheng.

² For expediency, we refer to Paper and Exhibit numbers filed in IPR2023-00480. Similar Papers and Exhibits were filed in IPR2023-00481.

Upon review of the record before us, we note that Patent Owner's Power of Attorney lists "[a]ll attorneys at Wilmer Cutler Pickering Hale and Dorr LLP for whom a motion to appear *pro hac vice* is filed." Paper 4, 1. Patent Owner's updated mandatory notices indicate that Mr. Mlaver and Ms. Pheng are both attorneys at Wilmer Cutler Pickering Hale and Dorr LLP. Paper 30, 2.

ORDER

Accordingly, it is:

ORDERED that Patent Owner's motions for admission *pro hac vice* of David Mlaver and Mary Pheng in these proceedings are *granted*; Mr. Mlaver and Ms. Pheng are authorized to represent Patent Owner only as back-up counsel;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner as lead counsel in these proceedings;

FURTHER ORDERED that Mr. Mlaver and Ms. Pheng shall comply with the Patent Trial and Appeal Board's Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))³ and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Mlaver and Ms. Pheng shall be 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.

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

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