

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD. and BIOCON BIOLOGICS INC.,
Petitioners,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

IPR2023-00739¹
Patent 10,888,601 B2

Before JOHN G. NEW, ROBERT A POLLOCK, and RYAN H. FLAX,
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)

¹ IPR2024-00201 has been joined with IPR2023-00739.

Petitioner (Samsung Bioepis Co., Ltd.) filed Motions for Admission *pro hac vice* of Zachariah Summers (Paper 21) and Elliot Choi (Paper 22) in the above-captioned proceeding (collectively, “Motions”). The Motions are supported by Declarations of Mr. Summers (Ex. 1059) and Mr. Choi (Ex. 1060). Petitioner represents that Patent Owner does not oppose the Motions. Papers 21, 1; 22, 1. For the reasons below, Petitioner’s Motions are *conditionally granted*.

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 in 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. 1059 ¶¶ 1–10; 1060 ¶¶ 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 serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Upon review of the record before us, 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.² Therefore, Petitioner's Motions are *conditionally granted*, and is to be effective after Petitioner files the aforementioned Power of Attorney.

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 Zachariah Summers and Elliot Choi in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead 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 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 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

² We note that, in P-TACTS, Paper 16 is labeled as an "Amended Power of Attorney," however, the actual document is not an Amended Power of Attorney, but is instead an "Amended Mandatory Notice."

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

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USPTO's Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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