

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD., CELLTRION, INC., and
BIOCON BIOLOGICS INC.,
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

IPR2023-00884¹
Patent 11,253,572 B2

Before SUSAN L. C. MITCHELL, ROBERT A. POLLOCK, and
RYAN H. FLAX, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

ORDER
Conditionally Granting Petitioner's Motion for *Pro Hac Vice*
Admission of Laura Fairneny
37 C.F.R. § 42.10(c)

¹ IPR2024-00260 and IPR2024-00298 were joined with IPR2023-00884.
See Papers 31 and 33.

On April 3, 2024, Petitioner Samsung Bioepis Co., LTD. filed a motion requesting *pro hac vice* admission of Laura Fairneny. Paper 49 (“Motion”). Petitioner also submitted a Declaration from Ms. Fairneny (Ex. 1068) in support of the Motion (“Declaration”). Petitioner attests that Patent Owner does not oppose the Motion. Paper 49, 1. For the reasons provided below, Petitioner’s Motion is *conditionally granted*.

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. In authorizing a motion for *pro hac vice* admission, the Board requires the moving party to provide a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in the proceeding. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motion and the accompanying Declaration, we conclude that Ms. Fairneny has sufficient legal and technical qualifications to represent Petitioner in this proceeding, has demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 1068. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Ms. Fairneny. Ms. Fairneny 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 Ms. Fairneny. Therefore, Petitioner’s Motion is *conditionally granted*, and

is to be effective after Petitioner files the aforementioned Power of Attorney. Petitioner has filed a Mandatory Notice identifying Ms. Fairneny as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 45, 4.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motion (Paper 49) for *pro hac vice* admission of Laura Fairneny is *conditionally granted*, provided that within ten (10) business days of the date of this order, Petitioner submits a Power of Attorney for Laura Fairneny in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Ms. Fairneny is authorized to represent Petitioner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Fairneny comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (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, Code of Federal Regulations; and

FURTHER ORDERED that Ms. Fairneny is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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