UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

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Case No.: IPR2024-00459
U.S. Patent 11,634,781

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PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF SARAH BURG

I. Statement of Precise Relief Requested.

Pursuant to 37 C.F.R. § 42.10(c), Petitioner, Geneoscopy, Inc. ("Geneoscopy") requests that the Patent Trial and Appeal Board (the "Board") admit Sarah S. Burg *pro hac vice* in this proceeding, IPR2024-00459.

II. Governing Law, Rules, and Precedent.

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 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." Accompanying this motion is the Declaration of Sarah Burg in support of this Motion for Admission Pro Hac Vice ("Burg Decl.").

III. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding.

The facts here establish good cause for the Board to recognize Sarah S. Burg *pro hac vice* in this proceeding.

1. Lead counsel, Brendan T. Jones, is a registered practitioner (Reg. No. 65,077).

2. Sarah Burg is a partner at the law firm Foley Hoag LLP. Burg Decl. ¶ 1.
3. Ms. Burg is an experienced litigating attorney who has litigated cases relating to patents for the majority of her practice since 2011. *Id.* at ¶ 2.
4. Ms. Burg has never been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶ 5.
5. No application filed by Ms. Burg for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶ 6.
6. No sanctions or contempt citations have been imposed against Ms. Burg by any court or administrative body. *Id.* at ¶ 7.
7. Ms. Burg is a member of good standing of the Massachusetts Bar and New York Bar. *Id.* at ¶ 3.
8. Ms. Burg also demonstrates that she has a detailed working knowledge of the relevant subject matter through her familiarity with the patent-at-issue, the grounds advanced by Petitioner, and other aspects of the record in this proceeding, through representing Geneoscopy in *Exact Sciences Corporation v. Geneoscopy, Inc.*, C.A. No. 23-1319-MN (D.Del), a case in which Patent Owner Exact has asserted a claim for infringement of the patent-at-issue. *Id.* at ¶ 9.

9. Ms. Burg has acquired substantial understanding of the underlying legal and technological issues in this proceeding. *Id.* at ¶ 9.

10. Ms. Burg has read and agrees to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R. *Id.* at ¶ 10.

11. Ms. Burg understands that she will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶ 11.

IV. Good Cause Exists for *Pro Hac Vice* Admission of Sarah S. Burg.

The facts outlined above, supported by the Declaration of Sarah S. Burg, establish there is good cause to admit Mrs. Burg *pro hac vice* in this proceeding under 37 C.F.R. § 42.10.

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V. Conclusion

In light of the foregoing, Petitioner respectfully requests that the Board admit Mrs. Burg *pro hac vice* in this proceeding.

Dated: October 3, 2024

Respectfully Submitted,

/Brendan T. Jones/

Brendan T. Jones, Reg. No. 65,077
Foley Hoag LLP
Seaport West
155 Seaport Boulevard
Boston, MA 02210
T: 617-832-1000
Email: bjones@foleyhoag.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **MOTION FOR ADMISSION PRO HAC VICE OF SARAH S. BURG AND THE DECLARATION OF SARAH S. BURG** was served on October 3, 2024 on the following attorneys of record:

James M. Glass
Registration No. 46,729
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Ave, 22nd Floor
New York, New York 10010
jimglass@quinnemanuel.com

Sandra Haberny
Registration No. 64,150
Quinn Emanuel Urquhart & Sullivan, LLP
865 South Figueroa St., 10th Floor
Los Angeles, California 90017
sandrahaberny@quinnemanuel.com

Jihong Lou
Registration No. 64,074
Quinn Emanuel Urquhart & Sullivan, LLP
1300 I Street NW, Suite 900
Washington, D.C. 20005
jihonglou@quinnemanuel.com

Anastasia M. Fernands
(admitted *pro hac vice*)
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Ave, 22nd Floor
New York, New York 10010
anastasiafernands@quinnemanuel.com

Dated: October 3, 2024

/Brendan T. Jones/
Brendan T. Jones, Reg. No. 65,077