

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

IPR2024-00459 (Patent 11,634,781 B2)
IPR2024-01330 (Patent 11,970,746 B2)¹

Before TINA E. HULSE, DAVID COTTA, and JAMIE T. WISZ,
Administrative Patent Judges.

HULSE, *Administrative Patent Judge.*

ORDER

Granting Petitioner's Motions for *Pro Hac Vice* Admission
of Sarah S. Burg and Donald R. Ware
37 C.F.R. § 42.10(c)

¹ This Order addresses substantively identical motions filed in each of the above-captioned proceedings. We exercise our discretion to issue one Order to cover all proceedings. The combined caption is for administrative convenience only and does not indicate that any proceedings have been joined. The parties are not authorized to use this caption without express permission of the Board.

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Petitioner filed Motions for *Pro Hac Vice* Admission of Sarah S. Burg (Paper 17²) and Donald R. Ware (Paper 18) in each of the above-captioned proceedings. Petitioner submitted Declarations of Sarah S. Burg (Ex. 1078) and Donald R. Ware (Ex. 1079) in support of each Motion. No opposition to any of the Motions has been filed. For the reasons provided below, Petitioner's Motions are *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, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Ms. Burg and Mr. Ware have sufficient legal and technical qualifications to represent Petitioner in these proceedings, have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and meet all other requirements for admission *pro hac vice*. *See* Ex. 1078 ¶¶ 1–7, 9–11; Ex. 1079 ¶¶ 1–7, 9–11. Accordingly, Petitioner has established good cause for *pro hac vice*

² This Order cites to papers and exhibits filed in IPR2024-00459. Corresponding documents were filed in IPR2024-01330.

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admission of Ms. Burg and Mr. Ware. Ms. Burg and Mr. Ware will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

We note that Petitioner filed a Power of Attorney including Ms. Burg and Mr. Ware in accordance with 37 C.F.R. § 42.10(b). Paper 2. Petitioner has submitted a mandatory notice identifying Ms. Burg and Mr. Ware as back-up attorneys in accordance with 37 C.F.R. § 42.8(b)(3). Paper 1, 3.

Accordingly, it is

ORDERED that Petitioner's Motions for *pro hac vice* admission of Sarah S. Burg and Donald R. Ware are *granted*;

FURTHER ORDERED that Petitioner continue to have a registered practitioner represent it as lead counsel in these proceedings;

FURTHER ORDERED that Ms. Burg and Mr. Ware are authorized to act as back-up counsel only in these proceedings;

FURTHER ORDERED that Ms. Burg and Mr. Ware be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide (84 Fed. Reg. 64,280 (Nov. 21, 2019))³ and comply with 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. Burg and Mr. Ware are 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.*

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

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