

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAREPTA THERAPEUTICS, INC.,
Petitioner,

v.

THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA,
Patent Owner.
AND REGENXBIO INC.,
Exclusive Licensee

IPR2024-00580
Patent 11,680,274 B2

Before ULRIKE W. JENKS, SUSAN L. C. MITCHELL, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

MITCHELL, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Motions for Admission *Pro Hac Vice* of
Dr. Casey M. Kraning and Deanna J. Reichel
37 C.F.R. § 42.10

On October 29, 2024, Patent Owner, The Trustees of the University of Pennsylvania (“Patent Owner”), and Exclusive Licensee, REGENXBIO INC. (“Exclusive Licensee”), filed Motions requesting admission *pro hac vice* of Dr. Casey M. Kraning and Deanna J. Reichel in this proceeding. Paper 15 (“Kraning Motion”); Paper 16 (“Reichel Motion”). The Motions rely on Declarations from Dr. Kraning and Ms. Reichel. Ex. 2021 (“Kraning Decl.”); Ex. 2022 (“Reichel Decl.”). Patent Owner attests that Petitioner does not oppose this motion. Kraning Motion 1; Reichel Motion 1.

Exclusive Licensee has submitted a Power of Attorney for Dr. Kraning and Ms. Reichel, in accordance with 37 C.F.R § 42.10(b). Paper 5. Exclusive Licensee has also filed a Mandatory Notice, identifying Dr. Kraning and Ms. Reichel as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 4.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. In authorizing a motion for admission *pro hac vice*, 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*, Case IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth the requirements for admission *pro hac vice*).

Based on the facts set forth in the Motions and the accompanying Declarations, we conclude that Dr. Kraning and Ms. Reichel have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Dr. Kraning and Ms. Reichel have demonstrated sufficient

litigation experience and familiarity with the subject matter of this proceeding, and that Dr. Kraning and Ms. Reichel meet all other requirements for admission *pro hac vice*. See Ex. 2021 ¶¶ 1–10; Ex. 2022 ¶¶ 1–9. Accordingly, Patent Owner has established good cause for admission *pro hac vice* of Dr. Kraning and Ms. Reichel. Dr. Kraning and Ms. Reichel will be permitted to appear *pro hac vice* as back-up counsel only. See 37 C.F.R. § 42.10(c).

Accordingly, it is

ORDERED that Patent Owner’s Motions (Paper 15; Paper 16) for admission *pro hac vice* of Dr. Casey M. Kraning and Deanna J. Reichel in the above-identified proceeding are *granted*;

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

FURTHER ORDERED that Dr. Kraning and Ms. Reichel are authorized to act only as back-up counsel in this proceeding;

FURTHER ORDERED that Dr. Kraning and Ms. Reichel shall be familiar with the Consolidated Trial Practice Guide, 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;¹ and

¹ Each Declaration states that “I have read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 42 of *the* Code of Federal Regulations.” Ex. 2021 ¶ 5; Ex. 2022 ¶ 5. The Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials are set forth in Part 42 of *Title 37*, Code of Federal Regulations. We deem this harmless error.

FURTHER ORDERED that Dr. Kraning and Ms. Reichel shall be 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. §§ 11.101–11.901.

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