

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

IPR2024-01330
Patent 11,970,746 B2

Before RYAN H. FLAX, DAVID COTTA, and JAMIE T. WISZ,
Administrative Patent Judges.

FLAX, *Administrative Patent Judge.*

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Anastasia Fernands
37 C.F.R. § 42.10

On March 21, 2025, Patent Owner filed a motion requesting *pro hac vice* admission of Anastasia Fernands. Paper 14 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Anastasia Fernands in support of the Motion. Ex. 2043 (“Declaration”). Petitioner did not oppose the Motion. For the reasons provided below, Patent Owner’s Motion is *granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), 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* 37 C.F.R. § 42.10(c)(1); *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 counsel Fernands has sufficient qualifications to represent Patent Owner in this proceeding, has demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 2043. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of counsel Fernands. Counsel Fernands will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Patent Owner filed a Power of Attorney including counsel Fernands in accordance with 37 C.F.R. § 42.10(b). Paper 5. Patent

Owner has also filed a Mandatory Notice identifying counsel Fernands as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 4.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 14) for *pro hac vice* admission of Anastasia Fernands is *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 counsel Fernands is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that counsel Fernands be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), 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 counsel Fernands 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.*

¹ Available at www.uspto.gov/TrialPracticeGuideConsolidated.

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