

Filed on behalf of Petitioner CIPLA LIMITED

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIPLA LIMITED

Petitioner

v.

GILEAD SCIENCES, INC.,

Patent Owner

Case No.: IPR2025-00033

U.S. Patent No. 11,744,802

Issued: September 5, 2023

Title: THERAPEUTIC COMPOSITIONS FOR TREATMENT OF HUMAN
IMMUNODEFICIENCY VIRUS

**PETITIONER’S MOTION FOR ADMISSION PRO HAC VICE OF
CHRISTOPHER J. SORENSON UNDER 37 C.F.R. § 42.10(c)**

I. Relief Requested

Petitioner Cipla Limited requests that the Board admit Christopher J. Sorenson *pro hac vice* in this proceeding pursuant to 37 C.F.R. § 42.10(c).

II. Governing Laws, Rules, and Precedent

Section 42.10(c) provides 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 any other conditions as the Board may impose.” The Rule provides that a motion relating to counsel who is not a recognized practitioner “may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.”

On October 15, 2013, the Board issued an Order, Paper No. 7, in Case IPR2013-00639 that provides the guidelines for admission under 37 C.F.R. § 42.10(c). *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (setting forth requirements for admission *pro hac vice*). That order incorporated changes in the rules, including the publication of the Final Rule in 78 Fed. Reg. 20180 adopting new Rules of Professional Conduct. *See id.*; *see also*, 78 Fed. Reg. 20180 (Apr. 3, 2013) (Final Rule) (codified at 37 C.F.R. §§ 11.101-11.901). Motions for *pro hac vice* must “[c]ontain a statement of facts

showing there is good cause for the Board to recognize counsel pro hac vice during the proceeding.” The Order further provides the motion is to be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has 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 37 C.F.R.;
- vi. The individual 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);

- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

See id.

III. Time of Filing

This motion is being filed no sooner than twenty one (21) days after service of the petition.

IV. Statement of the Facts

The following facts, supported by the attached Declaration of Christopher J. Sorenson in Support of Petitioners' Motion for Admission *Pro Hac Vice*, establish good cause to recognize Mr. Sorenson *pro hac vice* in this proceeding.

Petitioner's lead counsel, Andrew O. Larsen, is a registered practitioner (Reg. No. 59,315).

Counsel Christopher J. Sorenson is an experienced litigating attorney. Mr. Sorenson is a partner in the law firm of Merchant & Gould P.C. Mr. Sorenson has practiced litigation for more than twenty-seven (27) years. EX-1063 ("Sorenson Decl."), ¶ 8. His experience includes representing a wide range of clients in intellectual property litigation. Mr. Sorenson has been litigating patent cases almost exclusively for the last twenty-two (22) years. *Id.*

Mr. Sorenson has established familiarity with the subject matter at issue in this proceeding. Mr. Sorenson is counsel for Petitioner in a co-pending district court litigation filed by Patent Owner: *Gilead Sciences, Inc. v. Lupin Ltd., Laurus Labs Limited, and Cipla Limited*, District of Delaware, Civil Action No. 1:22-cv-00615-MN, which involves U.S. Patent No. 11,744,802. *Id.* at ¶ 9. The litigation involves the same patent at issue in this proceeding. *Id.* Mr. Sorenson, as counsel for Petitioners, has been actively involved in the district court litigation. *Id.*

During the co-pending litigation, Mr. Sorenson is familiar with the subject matter of this case which relates to Patent No. 11,744,802 and its claims regarding tablets containing the compound of Formula (I), tenofovir alafenamide (“TAF”) and emtricitabine (“FTC”). Mr. Sorenson is thus familiar with the prior art relied upon in the Petitioner’s Petition as well as the patent at issue. *Id.* at ¶ 10.

Mr. Sorenson is in good standing and admitted to practice before the Minnesota State Bar, and before several federal courts, including the United States District Court for the District of Minnesota, District of Southern Iowa, Court of Appeals Eighth Circuit, and Court of Appeals Federal Circuit. *Id.* at ¶ 1.

Mr. Sorenson has had no suspensions or disbarments from practice before any court or administrative body. *Id.* at ¶ 2.

Mr. Sorenson has never been denied application to practice before any court or administrative body. *Id.* at ¶ 3.

Mr. Sorenson has never been sanctioned or cited for contempt by any court or administrative body. *Id.* at ¶ 4.

Mr. Sorenson has 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 37 C.F.R. *Id.* at ¶ 5.

Mr. Sorenson has agreed to be subject to the United States Patent and Trademark Office Rules of Professional Conduct, as set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶ 6.

Mr. Sorenson has previously applied and accepted to appear *pro hac vice* before the Office in proceeding Nos. IPR2014-00592, IPR2017-01598, IPR2017-01599, IPR2017-01603, and IPR2023-00016. *Id.* at ¶ 7.

V. Analysis

Part 42.10(c) of 37 C.F.R. states that 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 as the Board may impose.” 37 C.F.R. § 42.10(c). For example, where the 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 showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.* The “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639 clarified the requirements for a motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c). *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013).

The above-identified facts and the Sorenson Declaration establish that there is good cause to admit Mr. Sorenson *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Lead counsel, Andrew O. Larsen, is a registered practitioner. Mr. Sorenson is an attorney with over twenty-two (22) years of patent experience, including litigation. Mr. Sorenson has established familiarity with the subject matter at issue in the proceeding. Admission of Mr. Sorenson will further enable Petitioners to be effectively and efficiently represented before the Board in this proceeding. Mr. Sorenson, in turn, will ensure that he follows the rules and guidelines set out by the Board.

VI. Conclusion

For the reasons stated above, Petitioners respectfully requests that the Board admit Christopher J. Sorenson to appear *pro hac vice* in this proceeding.

Respectfully submitted,

Date: January 6, 2025

By: /Andrew O. Larsen/

Andrew O Larsen, Ph.D., Esq.
Reg. No. 59,315
MERCHANT & GOULD P.C.
500 Fifth Avenue, Suite 4100
New York, NY 10110
Main Telephone: (212) 223-6658
Main Facsimile: (212) 223-6521
alarsen@merchantgould.com

Christopher J. Sorenson, Esq.
Pro Hac Vice Pending
MERCHANT & GOULD P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
Main Telephone: (612) 336-4645
Main Facsimile: (612) 332-9081
csorenson@merchantgould.com

Counsel for Petitioner

CERTIFICATION OF SERVICE

The undersigned hereby certifies that Petitioner's Motion for Admission Pro Hac Vice of Christopher J. Sorenson Under 37 C.F.R. § 42.10(c) was served electronically via email directed to counsel of record for the Patent Owner at the following:

Meg E. Fasulo (Reg. No. 75,820)
meg.fasulo@bartlitbeck.com
BARTLIT BECK LLP
54 W. Hubbard Street, Suite 300
Chicago, IL 60654
Tel: (312) 494-4400
Fax: (866) 381-7456

IPR2025-00033
Patent 11,744,802

Date: January 6, 2025

By: /Andrew O. Larsen/

Andrew O. Larsen, Ph.D., Esq.
Reg. No. 59,315
MERCHANT & GOULD P.C.
500 Fifth Avenue, Suite 4100
New York, NY 10110
Main Telephone: (212) 223-6658
Main Facsimile: (212) 223-6521
alarsen@merchantgould.com

Counsel for Petitioner