

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS, INC.,
Petitioner,

v.

NIVAGEN PHARMACEUTICALS, INC.,
Patent Owner.

IPR2025-00731 (Patent 11,925,661 B2)
IPR2025-00779 (Patent 11,813,291 B2)¹

Before ZHENYU YANG, TAWEN CHANG, and MICHAEL A. VALEK,
Administrative Patent Judges.

VALEK, *Administrative Patent Judge.*

ORDER

*Conditionally Granting Patent Owner's Motion for Admission
Pro Hac Vice of Christopher M. Bruno
37 C.F.R. § 42.10*

¹ This Order addresses issues that are the same in all above-captioned proceedings. The parties are not authorized to use this style heading.

On May 23, 2025, Patent Owner filed a motion requesting *pro hac vice* admission of Christopher M. Bruno. Paper 9² (“Motion”). Patent Owner submitted a Declaration from Christopher M. Bruno in support of the Motion. Paper 9, 7–13³ (“Declaration”). Petitioner has not opposed this Motion. Motion 2. For the reasons provided below, Patent Owner’s Motion is *conditionally 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 (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 Christopher M. Bruno has sufficient legal and technical qualifications, has demonstrated sufficient familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Declaration ¶¶ 1– 11. Accordingly, Patent

² Paper and exhibit numbers refer to Proceeding IPR2025-00731. Corresponding papers and exhibits were filed in IPR2025-00779.

³ Patent Owner filed the Declaration as part of the Motion, rather than in the form of an exhibit. This was a mistake because “[e]vidence consists of affidavits” and the like and “[a]ll evidence must be filed in the form of an exhibit.” 37 C.F.R. § 42.63(a). We excuse Patent Owner’s mistake here, but remind the parties to follow this rule for future filings.

IPR2025-00731 (Patent 11,925,661 B2)

IPR2025-00779 (Patent 11,813,291 B2)

Owner has established good cause for *pro hac vice* admission of Christopher M. Bruno.

We note that Patent Owner has not filed a Mandatory Notice identifying Christopher M. Bruno as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Christopher M. Bruno as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

Patent Owner has also not filed a Power of Attorney including Christopher M. Bruno in accordance with 37 C.F.R. § 42.10(b). In view thereof, Patent Owner's Motion is *conditionally granted*, and is to be effective after Patent Owner files the aforementioned Power of Attorney.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion seeking admission *pro hac vice* for Christopher M. Bruno is *conditionally granted*; provided that within fifteen business days of the date of this order, Patent Owner must file a Power of Attorney including Christopher M. Bruno in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated Mandatory Notice identifying Christopher M. Bruno as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3);

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

FURTHER ORDERED that Christopher M. Bruno is authorized to represent Patent Owner as back-up counsel only in this proceeding;

IPR2025-00731 (Patent 11,925,661 B2)

IPR2025-00779 (Patent 11,813,291 B2)

FURTHER ORDERED that Christopher M. Bruno comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴ (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; and

FURTHER ORDERED that Christopher M. Bruno 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.*

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2025-00731 (Patent 11,925,661 B2)

IPR2025-00779 (Patent 11,813,291 B2)

PETITIONER:

Heath Briggs

Elana Araj

Jonathan Wise

Gregory Schwartz

Declan Stone-Murphy

GREENBERG TRAURIG, LLP

briggsh@gtlaw.com

araje@gtlaw.com

wisej@gtlaw.com

schwartzg@gtlaw.com

declan.stonemurphy@gtlaw.com

PATENT OWNER:

Shashank Upadhye

Brent Batzer

UPADHYE TANG LLP

shashank@ipfdalaw.com,

brent@ipfdalaw.com