UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUN PHARMACEUTICALS INDUSTRIES INC.,
Petitioner

v.

NIVAGEN PHARMACEUTICALS, INC.,
Patent Owner

IPR2025-00893
Patent No. 11,878,076

PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF CHRISTOPHER M. BRUNO PURSUANT TO 37 C.F.R. § 42.10(c)

I. RELIEF REQUESTED.

1. Pursuant to 37 C.F.R. § 42.10(c), and the Board's "Order Authorizing Motion for *Pro Hac Vice* Admission," (*see Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, 2013 WL 8700556, Paper 7 (P.T.A.B. Oct. 15, 2013)), Patent Owner, Nivagen Pharmaceuticals, Inc. ("Nivagen") requests that the Board admit Christopher M. Bruno *pro hac vice* in this proceeding. Counsel for Nivagen have met and conferred with counsel for Petitioner and Petitioner does not oppose this motion.

II. STATEMENT OF FACTS.

2. Pursuant to 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 and to any other conditions as the Board may impose. 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.

The facts, supported by the attached Declaration of Christopher M. Bruno In Support of Nivagen Pharmaceuticals Inc.'s Unopposed Motion for *Pro Hac Vice* Admission (Ex. A, "Bruno Decl."), establish good cause to admit Mr. Bruno *pro hac vice* in this proceeding.

3. Lead counsel Shashank Upadhye is a registered practitioner before the United States Patent and Trademark Office ("USPTO").

4. Backup counsel Brent Batzer is a registered practitioner before the USPTO.

5. Mr. Bruno is an experienced litigating attorney. Mr. Bruno has been a litigating attorney for nearly 15 years. (Ex. A, Bruno Decl. ¶ 1). Mr. Bruno has actively litigated patent infringement cases for roughly the same period of time. (*Id.* ¶¶ 2–3). Mr. Bruno is a member in good standing in the following state bars: New York and the District of Columbia; and the following federal courts: the Supreme Court of the United States, the U.S. Court of Appeals for the Sixth Circuit, the U.S. Court of Appeals for the Seventh Circuit, the U.S. Court of Appeals for the Ninth Circuit, the U.S. Court of Appeals for the Federal Circuit, the U.S. District Court for the Southern District of New York, the U.S. District Court for the District of Columbia, and the U.S. Tax Court. (*Id.* ¶ 5). Mr. Bruno has never been subject to suspensions or disbarments from practice, nor had applications for admission to practice denied, nor been subject to any sanctions or contempt citations by any court or administrative body. (*Id.* ¶¶ 6–8).

6. Mr. Bruno has familiarity with the subject matter at issue in this proceeding and, more specifically, he is familiar with the patent at issue in this proceeding: U.S. Patent No. 11,878,076 ("the '076 patent"). (Ex. A, Bruno Decl. ¶ 9). Mr. Bruno is also litigation counsel in the co-pending federal court lawsuit involving

the ’076 patent: *Nivagen, Inc. v. Sun Pharmaceuticals Industries, Inc.*, Docket No. 2:24-cv-36-RWS-RSP (E.D. Tex.) (“the Litigation”). As a result, Mr. Bruno has become intimately familiar with the subject matter of the ’076 patent and all prior art raised in the Petition. (*Id.*).

7. Mr. Bruno has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in 37 C.F.R. Part 42 – Trial Practice Before the Patent Trial and Appeal Board, and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (Ex. A, Bruno Decl. ¶¶ 10-11).

8. Mr. Bruno also appeared on behalf of the patent owner in IPR2023-01114, in which the Board determined that Mr. Bruno possessed the requisite qualifications to represent the Patent Owner and that there is a need for the Patent Owner to have counsel with experience as a litigation attorney in patent matters. *See* Paper 13, Nov. 24, 2023, *Padagis Israel Pharmaceuticals Ltd. f/k/a Perrigo Israel Pharmaceuticals Ltd. et al v. Bausch Health Ireland Limited*, IPR2023-01114 (PTAB).

9. The facts contained in the Statement of Facts above and the attached Bruno Declaration (Ex. A) establish that there is good cause to admit Mr. Bruno *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Lead and backup counsel are registered practitioners, Mr. Bruno is an experienced litigating attorney and Mr. Bruno has an established familiarity with the subject matter at issue in this proceeding.

III. CONCLUSION.

For the foregoing reasons, Nivagen respectfully requests that the Board admit Christopher M. Bruno *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: August 18, 2025



Shashank Upadhye, 48,209
Upadhye Tang LLP
Attorney for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that on August 18, 2025, a complete and entire copy of this Patent Owner's Unopposed Motion for Pro Hac Vice Admission of Christopher M. Bruno Pursuant To 37 C.F.R. § 42.10(c) and attachments were provided by email to Petitioner by serving the correspondence address of record as follows:

J. Derek Vandenburgh, Reg. No. 32,179
Alexandra J. Olson, Reg. No. 75,389
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Exhibit A

(Declaration of Christopher M. Bruno)

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

SUN PHARMACEUTICALS INDUSTRIES INC.,
Petitioner v.

NIVAGEN PHARMACEUTICALS, INC.,
Patent Owner

IPR2025-00893
Patent No. 11,878,076

Declaration of Christopher M. Bruno in Support of Patent Owner's Motion for Pro Hac Vice Admission

I, Christopher M. Bruno, declare as follows:

1. I am an experienced litigating attorney with nearly 15 years of experience. I was first admitted to a state bar in 2010.

2. I have been actively litigating patent cases for roughly the same amount of time.

3. In the last five years, I have obtained *pro hac vice* admission and appeared on behalf of clients to litigate cases in which a pharmaceutical patent, including at least:

- *Astellas Pharma Inc. et al v. Cipla Limited et al*, Case No. 24-cv-01333 (D.Del.)
- *Nivagen Pharmaceuticals, Inc. v. Amneal Pharmaceuticals, Inc. et al*, Case No. 24-cv-00846 (D.Del.)
- *SK Biopharmaceuticals Co., Ltd et al v. Aurobindo Pharma Limited et al*, Case No. 24-cv-00718 (D.Del.)
- *Nivagen, Inc. v. Sun Pharmaceuticals Industries, Inc. et al*, Case No. 24-cv-00036 (E.D.Tex.)
- *Bausch Health Ireland Limited et al v. Padagis Israel Pharmaceuticals Ltd. f/k/a Perrigo Israel Pharmaceuticals Ltd. Et al*, Case No. 2-23-cv-03393 (D.NJ)
- *Padagis Israel Pharmaceuticals Ltd. f/k/a Perrigo Israel Pharmaceuticals Ltd. Et al v. Bausch Health Ireland Limited*, IPR2023-01114 (PTAB)

- *Bausch Health Ireland Limited et al v. Taro Pharmaceuticals, Inc. et al*, Case No. 23-cv-02684 (D.NJ).
- *Vanda Pharmaceuticals Inc. v. Teva Pharmaceuticals U.S.A., Inc.*, Case No. 23-cv-00152 (D.Del.)
- *Vanda Pharmaceuticals Inc. v. Apotex Inc. et* al, Case No. 23-cv-00153 (D.Del.)
- *Bausch & Lomb Incorporated et al v. Lupin Limited et* al, Case No. 23-cv-00790 (D.NJ)
- *Vanda Pharmaceuticals Inc. v. Teva Pharmaceuticals USA, Inc.*, Case No. 22-cv-07528 (D.NJ)
- *Vanda Pharmaceuticals Inc. v. Apotex Inc. et al*, Case No. 22-cv-07529 (D.NJ)
- *Bausch Health Ireland Ltd. et al v. Taro Pharmaceuticals, Inc. et al*, Case No. 22-cv-04670 (D.NJ)
- *Bausch Health Ireland Limited et al v. Padagis Israel Pharmaceuticals Ltd. et al*, Case No. 22-cv-04248 (D.NJ)
- *Curia IP Holdings, LLC v. Salix Pharmaceuticals, Ltd. et al*, Case No. 21-cv-19293 (D.NJ)

I have been admitted *pro hac vice* in at least the United States District Court for the Central District of California, the United States District Court for the Southern District of California, the United States District Court for the District of Delaware, the United States District Court for the District of New Jersey, the United States District Court for the Middle District of Tennessee, the United States District Court for the Southern District of Texas, the United States District Court for the Western District of

Washington, and the United States District Court for the Northern District of West Virginia.

4. My education includes holding a J.D. from The George Washington University Law School.

5. I am a member in good standing of the following state bars and federal courts: the District of Columbia, New York State, the Supreme Court of the United States, the U.S. Court of Appeals for the Sixth Circuit, the U.S. Court of Appeals for the Seventh Circuit, the U.S. Court of Appeals for the Ninth Circuit, the U.S. Court of Appeals for the Federal Circuit, the U.S. District Court for the Southern District of New York, the U.S. District Court for the District of Columbia, and the U.S. Tax Court.

6. I have never been suspended or disbarred from practice before any court or administrative body.

7. I have never had an application for admission to practice before any court or administrative body denied.

8. I have had no sanctions or contempt citations imposed against me by any court or administrative body.

9. I am familiar with the subject matter at issue in this proceeding. More specifically, I am familiar with the patent at issue in this proceeding—U.S. Patent No. 11,878,076 ("the '076 patent"). I am currently counsel

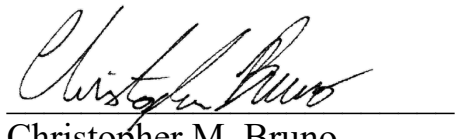
representing Nivagen Pharmaceuticals, Inc. in the co-pending federal court case involving the same patent.

10. 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 37 C.F.R. Part 42 – Trial Practice Before the Patent Trial and Appeal Board.

11. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, pursuant to 18 U.S.C. § 1001.

Dated: August 13, 2025 Respectfully Submitted,



Christopher M. Bruno