

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

**PETITIONER SUN PHARMACEUTICALS INDUSTRIES INC. MOTION
FOR *PRO HAC VICE* ADMISSION OF SAMUEL T. LOCKNER**

Pursuant to the Notice in this case authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c)(1), Petitioner Sun Pharmaceuticals Industries Inc. (“Sun Pharmaceuticals”) hereby respectfully moves for the *pro hac vice* admission of Samuel T. Lockner due to his experience representing Petitioner in other patent-related matters concerning Petitioner’s technology and his familiarity with the technical and substantive issues involved in

this proceeding. The parties have conferred, and the Patent Owner does not oppose this Motion.

In support of this motion, Petitioner states as follows:

The Board may recognize counsel *pro hac vice* upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions the Board may impose. 37 C.F.R. § 42.10(c)(1). A motion for *pro hac vice* admission may be granted where a party shows that “counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” *Id.*

Good cause exists under 37 C.F.R. § 42.10(c)(1) for the *pro hac vice* admission of Samuel T. Lockner as backup co-counsel in this matter. Mr. Lockner is assisting in the representation of Sun Pharmaceuticals in a related patent infringement action in the Eastern District of Texas (Civil Action. No. 2:24-cv-00036 (RWS), filed January 23, 2024) involving the same parties and the same patent at issue in this proceeding. Mr. Lockner has developed an intimate familiarity with the patent at issue, and the Petitioner wishes to have Mr. Lockner continue representing it in this matter before the Board.

The Petitioner has invested significant financial resources in the related proceeding described above. If this motion was denied, the Petitioner would be prejudiced because it would have to undertake the burdensome and costly task of

educating another attorney regarding the patent at issue in this proceeding, and the related evidence. The Petitioner respectfully requests that the Board avoid this prejudice and grant this Motion.

Pursuant to the requirements of 37 C.F.R. § 42.10(c), J. Derek Vandenburg, a registered practitioner, will remain as lead counsel in this matter. Mr. Vandenburg is a partner at Carlson Caspers, the same law firm that is representing the Petitioner in the related federal court action involving the patent at issue here. Mr. Lockner has worked with Mr. Vandenburg on other similar matters.

Pursuant to the Notice of Filing Date Accorded to Petition (Paper 5) in this IPR authorizing motions for *pro hac vice*, this Motion is also supported by the Declaration of Samuel T. Lockner (Exhibit 1052), filed herewith.

In the Declaration of Samuel T. Lockner (Ex. 1052), Mr. Lockner attests that he has read and will comply with the Patent Office Trial Practice Guide and the Board's Rules of Practice set forth in 35 C.F.R. § 42. Mr. Lockner further attests that he agrees to be subject to the USPTO's 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).

For the foregoing reasons, and in view of the Declaration submitted herewith, Petitioner Sun Pharmaceuticals submits that good cause exists for the *pro*

hac vice admission of Samuel T. Lockner and respectfully requests that the Board grant this motion.

Dated: August 20, 2025

Respectfully submitted,

/J. Derek Vandenburg/

J. Derek Vandenburg (Lead Counsel)

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and the agreement of the parties, the undersigned certifies that on August 20, 2025, a true and correct copy of the foregoing *Petitioner's Motion for Pro Hac Vice Admission of Samuel T. Lockner*, along with the accompanying Exhibit 1052, was served via electronic mail upon the following:

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