

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 11,878,076 B2

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

CHANG, *Administrative Patent Judge.*

ORDER

Granting Patent Owner's Motion for Admission
Pro Hac Vice of Yixin H. Tang

Conditionally Granting Patent Owner's Motion for Admission
Pro Hac Vice of Christopher M. Bruno

37 C.F.R. § 42.10

On May 23 and August 18, 2025, Patent Owner filed motions requesting *pro hac vice* admission of, respectively, Yixin H. Tang (Paper 6) and Christopher M. Bruno (Paper 9) (collectively, “Motions”). Patent Owner submitted a Declaration from Yixin H. Tang (Paper 6, 7–11) and Christopher M. Bruno (Paper 9, 8–13) in support of the Motions (collectively, “Declarations”¹). Petitioner does not oppose the Motions. Motions 2. For the reasons provided below, Patent Owner’s Motions are *granted* with respect to Yixin H. Tang and *conditionally granted* with respect to Christopher M. Bruno.

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 Motions and the accompanying Declarations, we conclude that Yixin H. Tang and Christopher M. Bruno have sufficient legal and technical qualifications to represent Patent Owner in this proceeding, that Yixin H. Tang and Christopher M. Bruno have

¹ Patent Owner filed the Declarations as part of the Motions. We excuse this mistake on this occasion, but remind the parties that affidavits and declarations must be filed as exhibits. *See* 37 C.F.R. § 42.63(a) (“Evidence consists of affidavits, transcripts of depositions, documents, and things. All evidence must be filed in the form of an exhibit.”).

demonstrated sufficient litigation experience and familiarity with the subject matter of this proceeding, that Yixin H. Tang and Christopher M. Bruno meet all other requirements for admission *pro hac vice*. See Declarations ¶¶ 1–11. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Yixin H. Tang and Christopher M. Bruno.

We note that Patent Owner has filed a Power of Attorney including Yixin H. Tang in accordance with 37 C.F.R. § 42.10(b). Paper 4. Patent Owner has also filed a Mandatory Notice identifying Yixin H. Tang as back-up counsel, as required by 37 C.F.R. § 42.8(b)(3). Paper 3.

We also 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 also has 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 seeking admission *pro hac vice* for Christopher M. Bruno 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 Yixin H. Tang is *granted*;

FURTHER ORDERED that Patent Owner's Motion seeking admission *pro hac vice* for Christopher M. Bruno is *conditionally* granted; provided that within ten (10) 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 Yixin H. Tang and Christopher M. Bruno (once Power of Attorney is filed) are authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Yixin H. Tang and Christopher M. Bruno comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide² (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 Yixin H. Tang and Christopher M. Bruno are 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.*

² Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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