

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER INC.
Petitioner

v.

POGONA, LLC
Patent Owner

Case IPR2026-00189
U.S. Patent No. 11,058,757

**PFIZER INC.'S MOTION FOR *PRO HAC VICE* ADMISSION OF
YUJUNG RHO PURSUANT TO 37 C.F.R. § 42.10(c)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) and the Board’s Notice of Filing Date Accorded to Petition and Time for Filing Patent Order Preliminary Response (Paper 4, dated January 5, 2026) (hereinafter “Authorizing Order”), Petitioner Pfizer Inc. (“Pfizer”) respectfully requests *pro hac vice* admission of Yujung Rho in this proceeding.

II. GOVERNING LAW, RULES AND PRECEDENT

The Board is authorized to recognize counsel *pro hac vice* pursuant to 37 C.F.R. § 42.10(c), which provides 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. 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.

Motions for *pro hac vice* admission must be filed in accordance with *Unified Patents v. Parallel Iron*, IPR 2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013) (the “*Unified Patents* Order”). The *Unified Patents* Order requires that a *pro hac vice* motion “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding.” *Unified Patents* Order at 3. A motion for *pro hac vice* admission should also 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.

Unified Patents Order at 3.

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Declaration of Ms. Rho (EX1053) submitted herewith, Petitioner requests the *pro hac vice* admission of Yujung Rho in this proceeding:

- 1. Pfizer's counsel, David Krinsky and Julie Tavares, are registered practitioners (Krinsky, Reg. No. 72,339); (Tavares, Reg. No. 77,398).
- 2. Ms. Rho has established familiarity with the subject matter at issue in this proceeding. Ms. Rho assisted in the preparation of the Petition and accompanying exhibits, and has engaged in extensive strategic discussions with Petitioner's lead and backup counsel regarding the matters at issue in this proceeding.
- 3. Ms. Rho is a member in good standing of the bar of the District of Columbia. (EX1053 ¶ 3.)

4. Ms. Rho has never been suspended or disbarred from practice before any court or administrative body. (EX1053 ¶ 4.)
5. No court or administrative body has ever denied Ms. Rho's application for admission to practice before it. (EX1053 ¶ 5.)
6. No court or administrative body has ever imposed sanctions or contempt citations on Ms. Rho. (EX1053 ¶ 6.)
7. Ms. Rho 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. (EX1053 ¶ 7.)
8. Ms. Rho understands and agrees that she will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and will be subject to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (EX1053 ¶ 8.)
9. Ms. Rho has not been admitted to appear *pro hac vice* before the Board in the last three years. (EX1053 ¶ 9.)

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MS. RHO IN THIS PROCEEDING

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). Pfizer's counsel, David Krinsky and Julie Tavares, are registered

practitioners before the Board. Based on the facts contained herein, as supported by Ms. Rho's declaration, good cause exists to admit Ms. Rho *pro hac vice* in this proceeding. As set forth in her declaration, Ms. Rho has established familiarity with the subject matter at issue in the proceeding.

Ms. Rho assisted in the preparation of the Petition and exhibits filed by Petitioner in this proceeding. Ms. Rho has also reviewed Patent Owner's preliminary response and the Board's orders in this proceeding, and engaged in strategic discussions with Petitioner's lead and backup counsel regarding the conduct of this proceeding. Ms. Rho's admission *pro hac vice* will permit her to participate in depositions in this matter. For these reasons, Pfizer has a substantial need for Ms. Rho's *pro hac vice* admission and her involvement in the continued prosecution of this proceeding.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that Ms. Rho be admitted *pro hac vice* in this proceeding. The Board is hereby authorized to charge any fees associated with this filing to Deposit Account No. 50-6403.

Dated: August 3, 2026

Respectfully submitted,
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LIST OF EXHIBITS

Exhibit	Short Name	Document
EX1001	'757 patent	U.S. Patent No. 11,058,757
EX1002	Musey Dec.	Declaration of Luwy Musey, M.D.
EX1003		Curriculum Vitae of Luwy Musey, M.D.
EX1004	Goldblatt	Goldblatt, <i>Conjugate Vaccines</i> , Clin. Exp. Immunol. Vol. 119, pp. 1-3 (2000)
EX1005	Veeramachineni	Veeramachineni et al., <i>Bacterial Capsular Polysaccharides of Pathogens – A Toolbox for Vaccines and Therapeutics</i> , In: Glycome: The Hidden Code of Biology, ed. Dipak K. Banerjee (Nova Science Publishers, Inc., 2021)
EX1006	Ravenscroft	Ravenscroft et al., <i>Genetic and Structural Elucidation of Capsular Polysaccharides from Streptococcus Pneumoniae Serotypes 23A and 23B, and Comparison to Serotype 23F</i> , 450 Carbohydrate Res. 19-29 (October 2017)
EX1007	Deng	Deng et al., <i>Antibody Enhanced HPLC for Serotype-Specific Quantitation of Polysaccharides in Pneumococcal Conjugate Vaccine</i> , npj Vaccines (2023)
EX1008	Alexander	International Patent Application WO 2005/120563
EX1009	Gu	International Patent Application WO 2015/121783
EX1010	Porro	International Patent Application WO 2014/118201

EX1011	Al-Sherikh	Al-Sherikh et al., <i>Distribution of Serotypes and Antibiotic Susceptibility Patterns Among Invasive Pneumococcal Diseases in Saudi Arabia</i> , Annals of Laboratory Medicine, Vol. 34, 210-15 (2014)
EX1012	<i>Reserved</i>	<i>Reserved</i>
EX1013	Richter	Richter et al., <i>Changes in Pneumococcal Serotypes and Antimicrobial Resistance after Introduction of the 13-Valent Conjugate Vaccine in the United States</i> , Antimicrobial Agents and Chemotherapy, Vol. 58, No. 7, 6486-89 (2014)
EX1014	Wagenvoort	Wagenvoort et al., <i>Risk and Outcomes of Invasive Pneumococcal Disease in Adults with Underlying Conditions in the Post-PCV7 Era, The Netherlands</i> , Vaccine, Vol. 34, 334-40 (2016)
EX1015	Kaplan	Kaplan et al., <i>Multicenter Surveillance of Streptococcus pneumoniae Isolates from Middle Ear and Mastoid Cultures in the 13-Valent Pneumococcal Conjugate Vaccine Era</i> , Clinical Infectious Diseases 60:1339-1345 (2015)
EX1016	Pilishvili	Pilishvili et al., <i>Sustained Reductions in Invasive Pneumococcal Disease in the Era of Conjugate Vaccine</i> , Journal of Infectious Disease, No. 201, 32-41 (2010)
EX1017	Waight	Waight et al., <i>Effect of the 13-valent Pneumococcal Conjugate Vaccine on Invasive Pneumococcal Disease in England and Wales 4 Years After Its Introduction: An Observational Cohort Study</i> , Lancet Infectious Diseases, Vol. 15, 535-43 (2015)

EX1018	ECDC	European Centre for Disease Control and Prevention, <i>Surveillance of Invasive Bacterial Diseases in Europe</i> , 2012 (Stockholm: ECDC, 2015)
EX1019	PHAC	Public Health Agency of Canada, Streptococcus and STI Unit, <i>National Laboratory Surveillance of Invasive Streptococcal Disease in Canada: Annual Summary 2013</i> (Winnipeg, Manitoba: PHAC, 2014)
EX1020	Lee	Lee et al., <i>Immune Response in Infants to the Heptavalent Pneumococcal Conjugate Vaccine Against Vaccine-Related Serotypes 6A and 19A</i> , Clinical and Vaccine Immunology, Vol. 16, No. 3, 376-81 (2009)
EX1021	Anttila	Anttila et al., <i>Contribution of Serotype-Specific IgG Concentration, IgG Subclasses, and Relative Antibody Avidity to Opsonophagocytic Activity Against Streptococcus Pneumoniae</i> , Clinical and Experimental Immunology, Vol. 118, 402-07 (1999)
EX1022	PFL	Prevnam® FDA Label
EX1023	Vesikari	Vesikari et al., <i>Immunogenicity of the 10-Valent Pneumococcal Non-Typeable Haemophilus Influenzae Protein D Conjugate Vaccine (PHiD-CV) Compared to the Licensed 7vCRM Vaccine</i> , The Pediatric Infectious Disease Journal, Vol. 28, No. 4, S66-S76 (2009)
EX1024	Yeh	Yeh et al., <i>Immunogenicity and Safety of 13-Valent Pneumococcal Conjugate Vaccine in Infants and Toddlers</i> , Pediatrics, Vol. 126, No. 3, e493–e505 (2010)

EX1025	Myers	Myers, <i>Wyeth's 7-valent Vaccine for Pneumococcal Disease Registered In Russia</i> , FIERCE Biotech, March 5, 2009, https://www.fiercebiotech.com/biotech/wyeth-s-7-valent-vaccine-for-pneumococcal-disease-registered-russia
EX1026	Pichichero	Pichichero, <i>Protein Carriers of Conjugate Vaccines</i> , Human Vaccines & Immunotherapeutics, 2505-23 (2013)
EX1027	WHO	World Health Organization, <i>Pneumococcal Conjugate Vaccine for Childhood Immunization</i> , Weekly Epidemiol. Rec. 82(12) 93, 94 (2007)
EX1028	Hu	Hu et al., <i>Approach to Validating an Opsonophagocytic Assay for Streptococcus Pneumoniae</i> , Clinical and Diagnostic Laboratory Immunology, Vol. 12, No. 2, 287-95 (2005)
EX1029	Romero-Steiner	Romero-Steiner et al., <i>Use of Opsonophagocytosis for Serological Evaluation of Pneumococcal Vaccines</i> , Clinical and Vaccine Immunology, Vol. 13, No. 2, 165-69 (2006)
EX1030	Costantino	Costantino et al., <i>The Design of Semi-Synthetic and Synthetic Glycoconjugate Vaccines</i> , Expert Opinions in Drug Discovery, Vol. 6, No. 10, 1045-66 (2011)
EX1031	Wessels	Wessels et al., <i>Structural Properties of Group B Streptococcal Type III Polysaccharide Conjugate Vaccines that Influence Immunogenicity and Efficacy</i> , Infection and Immunity, Vol. 66, No. 5, 2186-92 (1998)

EX1032	Baker	Baker et al., <i>Safety and Immunogenicity of Capsular Polysaccharide-Tetanus Toxoid Conjugate Vaccines for Group B Streptococcal Types Ia and Ib</i> , Journal of Infectious Diseases, Vol. 179, 142-50 (1999)
EX1033	Whitney 2003	Whitney et al., <i>Decline in Invasive Pneumococcal Disease after the Introduction of Protein-Polysaccharide Conjugate Vaccine</i> , N. Engl. J. Med. 1737-1746 (2003)
EX1034	Jakobsen	Jakobsen et al., <i>Intranasal Immunization with Pneumococcal Conjugate Vaccines with LT-K63, a Nontoxic Mutant of Heat-Labile Enterotoxin, as Adjuvant Rapidly Induces Protective Immunity Against Lethal Pneumococcal Infections in Neonatal Mice</i> , Infection and Immunity, Vol. 70, No. 3, 1443-52 (2002)
EX1035	Sogaard	Søgaard, <i>The Clinical Use of Adjuvants in Pneumococcal Vaccination</i> , Human Vaccines, Vol. 7, No. 2, 276-80 (2011)
EX1036	Giudice	Giudice and Rappuoli, <i>Genetically Derived Toxoids for use as Vaccines and Adjuvants</i> , Vaccine, Vol. 17, S44-S52 (1999)
EX1037	Lees	Lees et al., <i>Versatile and Efficient Synthesis of Protein-Polysaccharide Coinjugate Vaccines Using Aminooxy Reagents and Oxime Chemistry</i> , Vaccine 716-729 (2006)
EX1038	Whitney 2014	Whitney et al., <i>Dosing Schedules for Pneumococcal Conjugate Vaccine Considerations</i> , The Pediatric Infectious Disease Journal, S172-S181 (2014)

EX1039	Nunes	Nunes et al., <i>The Impact of Private Use of PCV7 in 2009 and 2010 on Serotypes and Antimicrobial Resistance of Streptococcus Pneumoniae Carried by Young Children in Portugal: Comparison with Data Obtained Since 1996 Generating a 15-year Study Prior to PCV13 Introduction</i> , Vaccine 1648-1656 (2016)
EX1040	Jefferies	Jefferies et al., <i>13-Valent Pneumococcal Conjugate Vaccine (PCV13)</i> , Human Vaccines 1012-1018 (2011)
EX1041	<i>Reserved</i>	<i>Reserved</i>
EX1042	Malley	U.S. Patent Application Publication No. 2015/0374811
EX1043		File History of U.S. Patent No. 11,058,757 - Application 16/089040 File History (Excerpts)
EX1044		File History of U.S. Provisional Application 62/316555
EX1045	Daniels	Daniels et al., <i>A Review of Pneumococcal Vaccines: Current Polysaccharide Vaccine Recommendations and Future Protein Antigens</i> , J. PEDIATRIC PHARMACOLOGY AND THERAPEUTICS, Vol. 21, No. 1, 27-35 (2016)
EX1046	<i>Reserved</i>	<i>Reserved</i>
EX1047	Pogona Complaint	<i>Pogona, LLC v. Merck Sharp & Dohme LLC</i> , 2-25-cv-15294 (D.N.J. September 5, 2025) (D.I. 1, Complaint)
EX1048	CDC	Centers for Disease Control and Prevention, <i>Invasive Pneumococcal Disease in Children 5 Years After Conjugate Vaccine Introduction</i> –

		<i>Eight States, 1998-2005</i> , MORBIDITY AND MORTALITY WEEKLY REPORT, Vol. 57, No.6, 144-48 (2008)
EX1049	SDD	Pfizer's Search Disclosure Declaration (Protective Order Material – Filing Party & Board Only)
EX1050	Merck Study	A Study to Evaluate the Safety, Tolerability and Immunogenicity of V114 in Healthy Adults and Infants (V114-005) (Version 5, 2015-11-03)
EX1051	Forrest	International Patent Application WO 2017/173415
EX1052	'060 patent	U.S. Patent No. 9,399,060
EX1053	Rho Dec.	Declaration of Yujung Rho in Support of Motion for <i>Pro Hac Vice</i> Admission Pursuant to 37 C.F.R. § 42.10(c)

CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2026, I caused a true and correct copy of the foregoing: (1) Pfizer Inc.'s Motion for *Pro Hac Vice* Admission of Yujung Rho Pursuant to 37 C.F.R. § 42.10(c); (2) Exhibit 1053 (Declaration of Yujung Rho); (3) Petitioner's Updated Exhibit List to be served on Patent Owner by delivering a copy via electronic mail to the following individuals at the email address below:

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