

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MARINUS PHARMACEUTICALS, INC.,
Petitioner

v.

OVID THERAPEUTICS, INC.,
Patent Owner

Case PGR2023-00020
Patent 11,395,817

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
DEANNA REICHEL UNDER 37 C.F.R. § 42.10(c)**

PETITIONER’S UPDATED EXHIBIT LIST

Petitioner Exhibit Number	Exhibit Description
1001	U.S. Patent No. 11,395,817 to Ovid Therapeutics, Inc. “the ’817” or “the ’817 patent”
1002	Excerpts from the File History of the ’817 Patent
1003	Declaration and Curriculum Vitae of Dr. Michael A. Rogawski (“the Rogawski Declaration”)
1004	Reddy and Kuruba, “Experimental Models of Status Epilepticus and Neuronal Injury for Evaluation of Therapeutic Interventions,” <i>Int. J. Mol. Sci.</i> 14:18284–318 (2013) (“Reddy” or “Reddy & Kuruba”)
1005	Seinfeld et al., “Status Epilepticus,” in Additional Perspectives on Epilepsy: The Biology of a Spectrum Disorder (Cold Spring Harbor Laboratory Press, 2016, ed. Gregory L. Holmes and Jeffrey L Noebels) (“Seinfeld”)
1006	Imtiyaz et al., “The Evolution of the Pilocarpine Animal Model of Status Epilepticus,” <i>Heliyon</i> 6:e04557 (2020) (“Imtiyaz”)
1007	Turski, et al., “Review: Cholinergic Mechanisms and Epileptogenesis. The Seizures Induced by Pilocarpine: A Novel Experimental Model of Intractable Epilepsy,” <i>Synapse</i> 3:154–71 (1989) (“Turski”)
1008	Kokate et al., “Neuroactive Steroids Protect Against Pilocarpine- and Kainic Acid-induced Limbic Seizures and Status Epilepticus in Mice,” <i>Neuropharmacology</i> , 35(8):1049–56 (1996) (“Kokate”)
1009	WIPO Publication No. WO 2016/127170 (“Zhang”)
1010	WIPO Publication No. WO 2007/062266 (“Shaw”)

1011	Press Release: “Marinus Pharmaceuticals Receives FDA Orphan Drug Designation for Ganaxolone IV to Treat Status Epilepticus,” Published April 15, 2016, Available at: https://ir.marinuspharma.com/news/news-details/2016/Marinus-Pharmaceuticals-Receives-FDA-Orphan-Drug-Designation-for-Ganaxolone-IV-to-Treat-Status-Epilepticus/default.aspx (“April 15, 2016, Press Release” or “Marinus’s Orphan Drug Press Release”)
1012	American Academy of Neurology (“AAN”) 2016 Annual Meeting Scientific Abstract Listing and Meeting Information, AAN 2016 Annual Meeting, Vancouver, BC, Canada, April 15–21, 2016, Available at: https://issuu.com/americanacademyofneurology/docs/16am_abstractlistingdigi_v1424 (“AAN Meeting Brochure”)
1013	Saporito et al., “Ganaxolone Administered Intravenously Prevents Behavioral Seizures and Promotes Survival in the Rat Lithium-Pilocarpine Model of Status Epilepticus,” Poster, presented April 17, 2016, at the 2016 AAN Annual Meeting (“Saporito P1” or “Saporito Poster 1” or “2016 AAN Poster 1” or “2016 AAN Saporito Poster 1”)
1014	Saporito et al., “Intravenous Administration of Ganaxolone Attenuates Electroencephalographic Seizures in a Diazepam Resistant Model of Status Epilepticus,” Poster, presented April 19 and April 20, 2016, at the 2016 AAN Annual Meeting (“Saporito P2” or “Saporito Poster 2” or “2016 AAN Poster 2” or “2016 AAN Saporito Poster 2”)
1015	Declaration of Michael Saporito
1016	Saporito, “Ganaxolone Administered IV Blocks Experimental Status Epilepticus,” “Data Blitz” Presentation, April 20, 2016, at the 2016 AAN Annual Meeting (“Saporito Data Blitz Slides”)
1017	Wylie et al., Status Epilepticus. [Updated 2022 May 15]. In: StatPearls [Internet]. Treasure Island (FL): StatPearls Publishing; 2022 Jan-. Available from: https://www.ncbi.nlm.nih.gov/books/NBK430686/ (“Wylie”)

1018	Trinka et al., “A definition and classification of status epilepticus—Report of the ILAE Task Force on Classification of Status Epilepticus.” <i>Epilepsia</i> , 56(10):1515-1523 (2015) (“Trinka”)
1019	First Affidavit of Nathaniel E Frank-White
1020	Tsai et al., “Phase I Study to Determine the Pharmacokinetics, Pharmacodynamics, and Safety of IV Ganaxolone in Healthy Adults,” Abstract of Poster Presented at the 6 th London-Innsbruck Colloquium on Status Epilepticus and Acute Seizures April 6–8, 2017, Salzburg, Austria (“Tsai”)
1021	Second Affidavit of Nathaniel E Frank-White
1022	Press Release: “Marinus Pharmaceuticals Doses First Subject in Phase I Clinical Trial for Ganaxolone IV,” Published on June 22, 2016, Available at: https://ir.marinuspharma.com/news/news-details/2016/Marinus-Pharmaceuticals-Doses-First-Subject-in-Phase-1-Clinical-Trial-for-Ganaxolone-IV/default.aspx (“June 22, 2016, Press Release” or “Marinus’s Phase I Press Release”)
1023	U.S. Patent No. 10,799,485
1024	U.S. Patent No. 10,603,308
1025	U.S. Patent No. 10,363,246
1026	Excerpts from the File History of US Patent No. 10,603,308
1027	Excerpts from the File History of US Patent No. 10,799,485
1028	Carter et al., “Characterization of the Anticonvulsant Properties of Ganaxolone (CCD 1042: 3 α -Hydroxy-3 β -methyl-5 α -pregnan-20-one), a Selective, High-Affinity, Steroid Modulator of the γ -Aminobutyric Acid _A Receptor,” <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 280(3):1284–95 (1997)

1029	Saporito et al., Intravenous Administration of Ganaxolone Attenuates Electroencephalographic Seizures in a Diazepam Resistant Model of Status Epilepticus, <i>Neurobiology</i> , 86 (16 supplement), Abstract, published April 4, 2016 (“Saporito A2”)
1030	Saporito et al., Ganaxolone Administered Intravenously Prevents Behavioral Seizures and Promotes Survival in the Rat Lithium-Pilocarpine Model of Status Epilepticus, <i>Neurology</i> 86 (16 Supplement), Abstract, published April 4, 2016 (“Saporito A1”)
1031	Chez, “Ganaxolone Therapy Improves Interictal EEG and Seizure Control in Lennox Gastaut Syndrome in Patients with PCDH19 and CDKL5,” <i>Annals of Neurol.</i> 80 (suppl 20), S326 published October 26, 2016.
1032	Declaration of Deanna Reichel in support of Motion for <i>pro hac vice</i> Admission

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), the Petitioner, Marinus Pharmaceuticals, Inc. (“Petitioner” or “Marinus”), respectfully requests that the Board recognize Deanna Reichel as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Deanna Reichel due to her experience in representing Petitioner in other patent-related matters and particularly due to her familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on March 20, 2023.

II. STATEMENT OF FACTS

Deanna Reichel is a patent litigation attorney with more than 18 years of experience representing clients in cases involving pharmaceutical, biological, and chemical products and methods. Ms. Reichel regularly litigates patent cases before the United States Court of Appeals for the Federal Circuit and various federal district courts. Through her practice in such cases, Ms. Reichel has gained substantial experience in jury trials, bench trials, discovery, Markman hearings, and appeals. Ms. Reichel began her legal career as a law clerk for the Honorable Raymond C. Clevenger at the United States Court of Appeals for the Federal Circuit in 2002-03. She has been with Fish & Richardson since 2003. Ms. Reichel’s biography is attached as Appendix A.

Ms. Reichel also has particular experience and familiarity with the substantive and technical issues involved in this post grant review proceeding. For instance, Ms. Reichel works with Petitioner to advise on patent strategy on the same technical subject matter, and, as a result, has gained familiarity with the patent and prior art references at issue. Moreover, Petitioner has developed a relationship with Ms. Reichel such that Petitioner desires to continue the relationship with Ms. Reichel for the purpose of this proceeding.

IV. AFFIDAVIT OF INDIVIDUAL SEEKING TO APPEAR

This Motion for *pro hac vice* Admission is accompanied by an Affidavit of Deanna Reichel. Accordingly, Petitioner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Deanna Reichel as counsel *pro hac vice* during this proceeding.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that Deanna Reichel be admitted *pro hac vice* in this proceeding.

The Patent Trial and Appeal Board is hereby authorized to charge any fees associated with this filing to Deposit Account 06-1050.

Respectfully submitted,

Dated : 13 SEP 23

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on September 13, 2023, a complete and entire copy of this Petitioner's Motion for *Pro Hac Vice* Admission of Deanna Reichel Under 37 C.F.R. § 42.10(c) and all supporting exhibits were provided via e-mail, to the Patent Owner by serving the correspondence address of record as follows:

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