

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCENDIS PHARMA A/S,
Petitioner,

v.

BIOMARIN PHARMACEUTICAL INC.,
Patent Owner.

PGR2026-00013
Patent 12,233,106 B2

Before SUSAN L. C. MITCHELL, TAWEN CHANG, and
BRIAN D. RANGE, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion for
Pro Hac Vice Admission of Gabrielle Landes
37 C.F.R. § 42.10

On July 14, 2026, Patent Owner filed a motion requesting *pro hac vice* admission of Gabrielle Landes. Paper 20 (“Motion” or “Mot.”). Patent Owner also submitted a Declaration from Gabrielle Landes in support of the Motion. Ex. 2019 (“Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Paper 20 at 1. For the reasons provided below, Patent Owner’s Motion is *granted*.

In accordance with 37 C.F.R. § 42.10(c)(1), 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* 37 C.F.R. § 42.10(c)(1); *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 Motion and the accompanying Declaration, we conclude that Ms. Landes has sufficient qualifications to represent Patent Owner in this proceeding, has demonstrated sufficient litigation experience and legal familiarity with the subject matter of this proceeding, and meets all other requirements for admission *pro hac vice*. *See* Ex. 2019. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Landes. Ms. Landes will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c)(1).

We note that Patent Owner filed a Power of Attorney including Ms. Landes in accordance with 37 C.F.R. § 42.10(b). Paper 19.

Patent Owner has not filed updated Mandatory Notices identifying Ms. Landes as back-up counsel. Therefore, Patent Owner must file an updated Mandatory Notice identifying Ms. Landes as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3).

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner's Motion (Paper 20) for *pro hac vice* admission of Gabrielle Landes is *granted*;

FURTHER ORDERED that Patent Owner must file an updated Mandatory Notice identifying Ms. Landes 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 Ms. Landes is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Ms. Landes be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide¹ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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 Ms. Landes is 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.*

¹ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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