

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

REGENERON PHARMACEUTICALS, INC.,  
Petitioner,

v.

NOVARTIS PHARMA AG, NOVARTIS TECHNOLOGY LLC,  
NOVARTIS PHARMACEUTICALS CORPORATION,  
Patent Owner.

---

IPR2021-00816  
Patent 9,220,631 B2

---

Before ERICA A. FRANKLIN, ROBERT L. KINDER, and  
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

KINDER, *Administrative Patent Judge*.

ORDER  
Granting Patent Owner's Motion for Admission  
*Pro Hac Vice* of Nicholas K. Mitrokostas  
*37 C.F.R. § 42.10*

On December 22, 2021, Patent Owner filed a Motion for Admission *Pro Hac Vice* of Nicholas K. Mitrokostas. Paper 25 (“Motion”). Patent Owner also filed a Declaration of Nicholas K. Mitrokostas in support of the Motion. Ex. 2098 (“Declaration”). Patent Owner attests that Petitioner does not oppose the Motion. Paper 25, 1. For the reasons provided below, Patent Owner’s Motion is *granted*.

Pursuant to 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 its notice authorizing motions for *pro hac vice* admission, the Board requires 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 this proceeding. *See* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

Based on the facts set forth in the Motion and the accompanying Declaration,<sup>1</sup> we conclude that Mr. Mitrokostas has sufficient legal and

---

<sup>1</sup> *Unified Patents* indicates that “A motion for *pro hac vice* admission must: . . . Be accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following: . . . All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years.” *See Unified Patents*, Paper 7 at 3. Although the Declaration identifies some proceedings in which Mr. Mitrokostas “ha[s] successfully applied to appear *pro hac vice*,” the Declaration fails to indicate whether those comprise *all* proceedings before the Office for which Mr. Mitrokostas has *applied* to appear *pro hac vice* in the last three years. *See* Ex. 2098 ¶ 4. For the purposes of this Order, we deem this harmless error.

technical qualifications to represent Patent Owner in this proceeding, that Mr. Mitrokostas has demonstrated sufficient familiarity with the subject matter of this proceeding, that Mr. Mitrokostas meets all other requirements for admission *pro hac vice*, and that Patent Owner's intent to be represented by counsel with litigation experience is warranted. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Mr. Mitrokostas. Mr. Mitrokostas will be permitted to serve as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

A Power of Attorney has not been submitted for Mr. Mitrokostas. Accordingly, Patent Owner must submit a Power of Attorney for Mr. Mitrokostas in accordance with 37 C.F.R. § 42.10(b), and must update its Mandatory Notices as required by 37 C.F.R. § 42.8(b)(3), to identify Mr. Mitrokostas as back-up counsel.

Accordingly, it is:

ORDERED that Patent Owner's Motion for *pro hac vice* admission of Nicholas K. Mitrokostas is *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Mitrokostas is authorized to represent Patent Owner as back-up counsel only in this proceeding;

FURTHER ORDERED that Mr. Mitrokostas is to comply with the Consolidated Trial Practice Guide<sup>2</sup> (84 Fed. Reg. 64,280 (Nov. 21, 2019)),

---

If Mr. Mitrokostas has applied to appear *pro hac vice* in additional proceedings in the last three years, he shall notify us promptly.

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

IPR2021-00816  
Patent 9,220,631 B2

and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Mitrokostas shall be 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.*;

FURTHER ORDERED that, within ten (10) business days of the date of this Order, Patent Owner must submit a Power of Attorney for Mr. Mitrokostas in this proceeding in accordance with 37 C.F.R. § 42.10(b); and

FURTHER ORDERED that, within ten (10) business days of the date of this Order, Patent Owner shall file an updated Mandatory Notice in this proceeding in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Mitrokostas as back-up counsel.

IPR2021-00816  
Patent 9,220,631 B2

For PETITIONER:

Elizabeth Weiswasser  
Anish Desai  
Brian Ferguson  
Christopher Pepe  
WEIL, GOTSHAL & MANGES LLP  
elizabeth.weiswasser@weil.com  
anish.desai@weil.com  
brian.ferguson@weil.com  
christopher.pepe@weil.com

For PATENT OWNER:

Elizabeth Holland  
William James  
Linnea Cipriano  
Joshua Weinger  
GOODWIN PROCTER LLP  
eholland@goodwinprocter.com  
wjames@goodwinlaw.com  
lcipriano@goodwinlaw.com  
jweinger@goodwinprocter.com