

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC,
Petitioner,

v.

EYE THERAPIES, LLC,
Patent Owner.

IPR2022-00142 (Patent 8,293,742 B2)
IPR2022-00146 (Patent 9,259,425 B2)¹

Before JOHN G. NEW, TINA E. HULSE, and ROBERT A. POLLOCK,
Administrative Patent Judges.

NEW, *Administrative Patent Judge.*

ORDER
Granting Petitioner's Motions for
Admission *pro hac vice* of Robert Frederickson III
37 C.F.R. § 42.10

¹ This Order addresses issues that are the same in each of these proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless so authorized.

IPR2022-00142 (Patent 8,293,742 B2)
IPR2022-00146 (Patent 9,259,425 B2)

On August 5, 2022, Petitioner filed Motions for Admission *pro hac vice* of Robert Frederickson III in the proceedings identified above. Paper 25.² The Motions are supported by the Declaration of Mr. Fredrickson. Ex. 1044. Petitioner indicates Patent Owner does not oppose the Motions. Paper 25, 2.

Upon review of the record before us, we determine that the requirements of 37 C.F.R. § 42.10 have been met, and that there is good cause to admit Mr. Frederickson *pro hac vice* in the above-identified proceedings.

It is, therefore,

ORDERED that Petitioner's Motions for Admission *pro hac vice* of Robert Frederickson III are granted; Mr. Frederickson is authorized to act only as back-up counsel in the above-identified proceedings;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner represent it as lead counsel in the above-identified proceedings;

FURTHER ORDERED that Mr. Frederickson is to comply with the Consolidated Trial Practice Guide³ (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

² For expediency, we cite to papers in IPR2022-00142. Similar papers were filed in IPR2022-00146.

³ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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FURTHER ORDERED that Mr. Frederickson is to 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.*⁴

FOR PETITIONER:

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⁴ Mr. Frederickson declares that he “will be subject to the USPTO Code of Professional Conduct set forth in 37 C.F.R. §§ 10.101 *et seq.*” (Ex. 1044 ¶ 12) (emphases added), rather than the USPTO Rules of Professional Conduct set forth in §§ 11.101 *et seq.* We deem this to be harmless error.