

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLUEBIRD BIO, INC.,
Petitioner,

v.

SLOAN KETTERING INSTITUTE FOR CANCER RESEARCH,
Patent Owner.

IPR2023-00070 (Patent 7,541,179 B2)
IPR2023-00074 (Patent 8,058,061 B2)¹

Before SHERIDAN K. SNEDDEN, JAMES A. WORTH, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Unopposed Motion for
Pro Hac Vice Admission of Wanda French-Brown, James H. McConnell,
and Howard S. Suh
37 C.F.R. § 42.10

¹ This Order addresses overlapping issues in each of the above-captioned proceedings. Therefore, we issue one Order to be filed in each proceeding. The parties are not authorized to use this caption unless authorized by the Board.

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On May 23, 2023, Patent Owner filed motions requesting *pro hac vice* admission of Wanda French-Brown, James H. McConnell, and Howard S. Suh. Papers 13, 14, and 15 (collectively “Motions”).² Patent Owner submitted declarations from Ms. French-Brown (Ex. 2045), Mr. McConnell (Ex. 2046), and Mr. Suh (Ex. 2047) in support of the Motions (collectively “Declarations”). Patent Owner attests that Petitioner does not oppose the Motions. Paper 13, 3; Paper 14, 3; Paper 15, 3. The Motions are *granted*.

In accordance with 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause. 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 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 Motions and the accompanying Declarations, we conclude that Ms. French-Brown, Mr. McConnell, and Mr. Suh have sufficient legal qualifications to represent Patent Owner in the above-captioned proceedings; that Ms. French-Brown, Mr. McConnell, and Mr. Suh have demonstrated sufficient litigation experience and familiarity with the subject matter of the above-captioned proceedings; and that Ms. French-Brown, Mr. McConnell, and Mr. Suh meet all other requirements for admission *pro hac vice*. *See* Ex. 2045 ¶¶ 1–10; Ex. 2046 ¶¶ 1–10; Ex. 2047

² For purposes of expediency, we cite to the Motions and Declarations filed in IPR2023-00070, unless otherwise indicated. Patent Owner filed similar Motions and Declarations in IPR2023-00074.

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¶¶ 1–10. Accordingly, Patent Owner has established good cause for *pro hac vice* admissions of Ms. French-Brown, Mr. McConnell, and Mr. Suh.

Patent Owner not filed a Power of Attorney or updated Mandatory Notices for Ms. French-Brown, Mr. McConnell, and Mr. Suh. Therefore, Patent Owner must submit a Power of Attorney for Ms. French-Brown, Mr. McConnell, and Mr. Suh 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 Ms. French-Brown, Mr. McConnell, and Mr. Suh as back-up counsel.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Wanda French-Brown, James H. McConnell, and Howard S. Suh are *granted*;

FURTHER ORDERED that Patent Owner shall submit, within ten (10) business days of the date of this Order, a Power of Attorney for Ms. French-Brown, Mr. McConnell, and Mr. Suh in each of the above-captioned proceedings in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Patent Owner must file an updated mandatory notice identifying Ms. French-Brown, Mr. McConnell, and Mr. Suh as back-up counsel in each of the above-captioned proceedings in accordance with 37 C.F.R. § 42.8(b)(3);

FURTHER ORDERED that Patent Owner continue to have a registered practitioner represent it as lead counsel for the above-captioned proceedings;

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FURTHER ORDERED that Ms. French-Brown, Mr. McConnell, and Mr. Suh are authorized to act as back-up counsel only in the above-captioned proceedings;

FURTHER ORDERED that Ms. French-Brown, Mr. McConnell, and Mr. Suh are to comply with the Patent Trial and Appeal Board's 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

FURTHER ORDERED that Ms. French-Brown, Mr. McConnell, and Mr. Suh 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.*

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

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