

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

Case No. IPR2023-00074
Patent No. 8,058,061

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION
OF KRYSTINA L. HO**

I. INTRODUCTION AND PRECISE RELIEF REQUESTED

Petitioner requests that the Board recognize Krystina L. Ho as counsel *pro hac vice* during this proceeding. This motion was authorized in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response filed on October 25, 2022. (Paper 3.) Because this motion meets all of the Board's requirements, Petitioner requests that the Board grant this motion. Prior to filing this motion, Petitioner conferred with Patent Owner, and Patent Owner indicated that it does not intend to oppose this motion.

II. STATEMENT OF FACTS

Petitioner has been authorized to file motions seeking admission *pro hac vice* under 37 C.F.R. §42.10(c). Petitioner's lead counsel and back-up counsel are registered practitioners. (Paper 1 at 3.) As set forth in the accompanying declaration, Ms. Ho is an attorney at Paul Hastings LLP. (Ex. 1048 at ¶ 2.) She is an experienced litigating attorney with more than five years of experience and has served as counsel in several patent infringement lawsuits before the district courts. (*Id.*)

Ms. Ho has an established familiarity with the subject matter at issue in this proceeding. (*Id.* at ¶ 8.) Ms. Ho has reviewed U.S. Patent No. 8,058,061, the patent-at-issue, and other papers associated with this matter. (*Id.*)

In addition, Ms. Ho is a member in good standing of the Bar of the State of New York. (*Id.* at ¶ 1.) She has never been suspended or disbarred from practice before

any court or administrative body. (*Id.* at ¶ 3.) She has never had an application for admission to practice before any court or administrative body denied. (*Id.* at ¶ 4.) She has never had sanctions or contempt citations imposed by any court or administrative body. (*Id.* at ¶ 5.) She has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 42 of title 37 of the Code of Federal Regulations. (*Id.* at ¶ 6.) She agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101, *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* at ¶ 7.) In the last three years, Ms. Ho has applied to appear *pro hac vice* in the following proceedings, and not any other proceedings. (*Id.* at ¶ 9.) These applications were granted. (*Id.*)

- *JSR Corp. and JSR Life Sciences, LLC v. Cytiva Bioprocess R&D AB*, IPR2022-00036, IPR2022-00041, IPR2022-00042, IPR2022-00043, IPR2022-00044, and IPR2022-00045

III. REASONS FOR GRANTING THE MOTION

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 and to any other conditions as the Board may impose.” 37 C.F.R. § 42.10(c). For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* may be granted upon showing that counsel who is seeking *pro hac vice* admission is “an experienced litigating attorney and has an established

familiarity with the subject matter at issue in the proceeding.” (*Id.*) The motion for *pro hac vice* admission must contain a statement of facts showing good cause and be accompanied by a declaration of the individual who is seeking admission. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper No. 7 at 3-4 (P.T.A.B. Oct. 15, 2013). The declaration in turn must contain certain attestations. (*Id.*)

This motion and the accompanying declaration meet all of the Board’s requirements. The lead counsel in this proceeding, Naveen Modi, is a registered practitioner. (Paper 1 at 3.) Ms. Ho is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding. (*See* Ex. 1048 at ¶¶ 2, 8.) Ms. Ho’s declaration makes the necessary attestations. (*Id.* at ¶ 10.)

IV. CONCLUSION

For the foregoing reasons, Petitioner submits that there is good cause for the Board to recognize Ms. Ho as counsel *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: June 8, 2023

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that I caused to be served on the counsel identified below a true and correct copy of the foregoing Petitioner's Motion for *Pro Hac Vice* Admission of Krystina L. Ho by electronic means on June 8, 2023:

FOR THE PATENT OWNER:

Luke Toft (Reg. No. 75,311)
ltoft@foxrothschild.com
Fox Rothschild LLP
33 South Sixth Street, Suite 3600
Minneapolis, MN 55402
Telephone: (612) 607-7000
Facsimile: (612) 607-7100

Joe Chen (Reg. No. 70,066)
joechen@foxrothschild.com
Fox Rothschild LLP
997 Lenox Drive
Lawrenceville, NJ 08648
Telephone: (609) 844-3024
Facsimile: (609) 896-1469

Michael W. Glynn, Ph.D.
mglynn@foxrothschild.com
Fox Rothschild LLP
101 Park Avenue, 17th Floor
New York, NY 10178
Telephone: (212) 878-7900
Facsimile: (212) 692-0940

By: /Naveen Modi/
Naveen Modi (Reg. No. 46,224)
Counsel for Petitioner