

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC.,
Petitioner,

v.

CORCEPT THERAPEUTICS, INC.,
Patent Owner.

PGR2019-00048
Patent 10,195,214 B2

Before JACQUELINE WRIGHT BONILLA, *Deputy Chief Administrative Patent Judge*, ROBERT A. POLLOCK, and DAVID COTTA, *Administrative Patent Judges*.

COTTA, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Motion for *Pro Hac Vice*
Admission of William H. Milliken
37 C.F.R. § 42.10

Petitioner Teva Pharmaceuticals USA, Inc. (“Petitioner”) filed a motion for *pro hac vice* admission of William H. Milliken (“Motion”) (Paper 11), accompanied by a Declaration of Mr. Milliken in support of the Motion (“Declaration”) (Ex. 1062). Patent Owner has not opposed the Motion. For the reasons provided below, Petitioner’s Motion is *granted*.

Under 37 C.F.R. § 42.10(c), the Board 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* Paper 3, 2 (citing *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (representative “Order – Authorizing Motion for *Pro Hac Vice* Admission”)).

In this proceeding, lead counsel for Petitioner, Deborah Sterling, Ph.D., a registered practitioner, filed the Motion. Mot. 4. In the Motion, Petitioner states there is good cause for the Board to recognize Mr. Milliken *pro hac vice* during this proceeding because “Mr. Milliken has substantial experience and expertise representing Teva in cases involving patents on pharmaceutical technologies.” *Id.*

In his Declaration, Mr. Milliken attests that he has never been suspended or disbarred by any court or administrative body, has not been denied for admission to practice before any court or administrative body, and has not been sanctioned or cited for contempt by any court or administrative body (Dec. ¶¶ 3–5). Mr. Milliken also states that he has read and will comply with the Office Patent Trial Practice Guide and the Board’s rules as set for in 37 C.F.R. § 42, and agrees to be

subject to the USPTO Rules of Professional Conduct and disciplinary jurisdiction under 37 C.F.R. § 11.19(a) (*id.* ¶¶ 14, 15).¹

Based on the facts set forth in the Motion and the accompanying Declaration, Petitioner has established good cause for *pro hac vice* admission of Mr. Milliken. Accordingly, Petitioner's Motion is *granted*.

We also note, a Power of Attorney in accordance with 37 C.F.R. § 42.10(b) has not been submitted for Mr. Milliken in this proceeding. Therefore, Petitioner must submit a Power of Attorney within ten (10) business days.

Accordingly, it is

ORDERED that the Petitioner's Motion for *pro hac vice* for William H. Milliken is *granted*;

FURTHER ORDERED that, within ten (10) business days of the issuance of this Order, Petitioner shall submit a Power of Attorney for Mr. Milliken in accordance with 37 C.F.R. § 42.10(b);

FURTHER ORDERED that Petitioner shall continue to have a registered practitioner represent it as lead counsel for this proceeding, but that Mr. Milliken is authorized to represent Petitioner only as back-up counsel;

FURTHER ORDERED that Mr. Milliken shall comply with the Office Patent Trial Practice Guide, as updated by the Office Patent Trial Practice Guide August 2018 Update, 83 Federal Register 39,989 (Aug. 13, 2018), and the July

¹ Mr. Milliken indicates that he "will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations." Dec. ¶ 14. The Office Patent Trial Practice Guide and the Board's Rules are set forth in part 42 of 37 C.F.R. We deem this as harmless error.

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2019 Update, 84 Fed. Reg. 33,925 (July 16, 2019), and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.; and

FURTHER ORDERED that Mr. Milliken 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.

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