

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME LLC,
Petitioner,

v.

HALOZYME INC.,
Patent Owner.

PGR2025-00006 (Patent 12,152,262 B2)
PGR2025-00009 (Patent 12,123,035 B2)
PGR2025-00017 (Patent 12,110,520 B2)¹

Before JEFFREY N. FREDMAN, SUSAN L. C. MITCHELL, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

PER CURIAM.

ORDER
Granting Petitioner's Motions for
Pro Hac Vice Admission of Leif E. Peterson, II
37 C.F.R. § 42.10

¹ The combined caption is for administrative convenience only and does not indicate that PGR2025-00006, PGR2025-00009, and PGR2025-00017 have been joined. Parties are not authorized to use this caption without express Board permission.

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On March 24, 2025, Petitioner filed motions requesting *pro hac vice* admission of Leif E. Peterson, II in each of the above-identified proceedings (collectively “Motions”). Paper 12.² Petitioner also submitted declarations from Leif E. Peterson, II in support of the Motions (collectively “Declarations”). Ex. 1075.³

Petitioner attests that Patent Owner does not oppose the Motions.
Mot. 1.

For the reasons provided below, Petitioner’s Motions are *granted*.

In accordance with 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 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 Mr. Peterson has sufficient qualifications to represent Petitioner in these proceedings, has demonstrated sufficient litigation experience and familiarity with the subject matter of these

² For purposes of expediency, we cite to Papers filed in PGR2025-00006. Petitioner filed similar Motions in PGR2025-00009 (Paper 11) and PGR2025-00017 (Paper 10).

³ We cite to Exhibits filed in PGR2025-00006. Petitioner filed similar Declarations in PGR2025-00009 (Ex. 1079) and PGR2025-00017 (Ex. 1076).

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proceedings, and meets all other requirements for admission *pro hac vice*. See Ex. 1075. Accordingly, Petitioner has established good cause for *pro hac vice* admission of Mr. Peterson. Mr. Peterson will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Petitioner has filed a Power of Attorney including Mr. Peterson in accordance with 37 C.F.R. § 42.10(b). PGR2025-00006, Paper 2; PGR2025-00009, Paper 2; and PGR2025-00017, Paper 2. Petitioner has also filed Mandatory Notices identifying Mr. Peterson as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). PGR2025-00006, Paper 1, 7; PGR2025-00009, Paper 1, 6; and PGR2025-00017, Paper 1, 6.

In consideration of the foregoing, it is hereby

ORDERED that Petitioner's Motions for *pro hac vice* admission of Leif E. Peterson, II are *granted*;

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

FURTHER ORDERED that Mr. Peterson is authorized to represent Petitioner as back-up counsel only in the above-identified proceedings;

FURTHER ORDERED that Mr. Peterson be familiar with the Patent Trial and Appeal Board Consolidated Trial Practice Guide⁴ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and comply with 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 Mr. Peterson is subject to the Office's

⁴ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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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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FOR PETITIONER:

Jeffrey Kushan
jkushan@sidley.com

Mark Stewart
Mark.stewart@merck.com

FOR PATENT OWNER:

Eldora Ellison
Eellison-ptab@sternekessler.com

Trey Powers
Tpowers-ptab@sternekessler.com

Jennifer Chagnon
Jchagnon-ptab@sternekessler.com

Tyler Liu
Tliu-ptab@sternekessler.com