

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTAS PHARMACEUTICALS LTD.,  
Petitioner

v.

ATOSSA THERAPEUTICS INC.,  
Patent Owner

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Case PGR2025-00043  
Patent 12,071,391

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**PATENT OWNER'S UNOPPOSED MOTION FOR  
PRO HAC VICE ADMISSION OF JACOB M. BERMAN**

**LIST OF EXHIBITS**

<b>Exhibit</b>	<b>Description</b>
EX2001	ATOSSA THERAPEUTICS, INC. QUARTERLY REPORT FORM 10-Q (March 31, 2025)
EX2002	Atossa Therapeutics Proposes Potentially Groundbreaking Study Aimed at Reducing Interval Breast Cancer in High-Risk Women at AACR 2025 (April 29, 2025)
EX2003	Atossa Therapeutics Announces Plans to Pursue Metastatic Breast Cancer Indication for (Z)-Endoxifen and Continued Engagement with FDA on Additional Indications (March 11, 2025)
EX2004	Financials – Intas Pharmaceuticals Ltd., <a href="http://www.intaspharma.com/financials/">http://www.intaspharma.com/financials/</a>
EX2005	Atossa Therapeutics Announces Issuance of Key U.S. Patent Covering Endoxifen (March 08, 2022)
EX2006	Efficacy and Safety of Endoxifen in Bipolar I Disorder Patients, NCT06608641 (Last Updated March 17, 2025), <a href="https://clinicaltrials.gov/study/NCT06608641">https://clinicaltrials.gov/study/NCT06608641</a>
EX2007	Declaration of Sayem Osman
EX2008	Atossa Covenant Not to Sue
EX2009	Atossa Therapeutics Announces Full Results from Phase 2 KARISMA-Endoxifen Study Demonstrating Statistically Significant Reductions in Mammographic Breast Density (Dec. 11, 2024)
EX2010	Atossa Therapeutics Announces First Quarter 2025 Financial Results and Provides a Corporate Update (May 13, 2025)
EX2011	INTENTIONALLY OMITTED
EX2012	Breast Center Year in Review, An Unmet Need in HR-Positive Endocrine-Resistant Breast Cancer, <i>available at</i> <a href="https://jons-online.com/special-issues-and-supplements/2021/2021-year-in-review-breast-cancer/an-unmet-need-in-hr-positive-endocrine-resistant-breast-cancer">https://jons-online.com/special-issues-and-supplements/2021/2021-year-in-review-breast-cancer/an-unmet-need-in-hr-positive-endocrine-resistant-breast-cancer</a>
EX2013	ATOSSA THERAPEUTICS, INC. ANNUAL REPORT FORM 10-K for the Fiscal Year Ended December 31, 2024
EX2014	U.S. Patent No. 11,572,334
EX2015	Intas Requirements For Resolving Disputes With Atossa (FILED UNDER SEAL)

<b>Exhibit</b>	<b>Description</b>
EX2016	Default Protective Order
EX2017	<i>Intas Pharmaceuticals, Limited v. Atossa Therapeutics, Inc.</i> , IPR2025-00799, Pap.2 (Apr. 3, 2025)
EX2018	<i>Intas Pharmaceuticals, Limited v. Atossa Therapeutics, Inc.</i> , PGR2023-00043, Pap.1 (Aug. 18, 2023)
EX2019	Rishab Gupta & Swarndeeep Singh, <i>Endoxifen Approval for Bipolar in India, A Premature or a Pragmatic Decision?</i> , 43(1) J. CLINICAL PSYCHOPHARMACOLOGY 3 (2023)
EX2020	Zonalta, Why Zonalta?, <a href="https://zonalta.in/">https://zonalta.in/</a>
EX2021	Atossa Therapeutics Granted Additional Patent Protection for Endoxifen (August 28, 2024)
EX2022	Declaration of Megan Raymond
EX2023	Corrected Covenant Not to Sue
EX2024	December 6, 2025 Collection of Email Communications with Intas's Counsel
EX2025	Declaration of Sayem Osman
EX2026	U.S. Patent No. 12,245,997
EX2027	Declaration of Jacob Berman

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Atossa Therapeutics, Inc. (“Atossa”) respectfully requests *pro hac vice* admission of Jacob M. Berman as counsel in this proceeding. Counsel for Petitioner, Intas Pharmaceuticals Ltd. (“Intas”), has informed counsel for Atossa that Intas does not oppose this Motion.

**I. Time for Filing**

This Motion is timely because it is being filed no sooner than twenty-one (21) days after service of the Petition in this proceeding, which occurred on April 3, 2025.

**II. Statement of Facts**

The following statement of facts demonstrates that there is good cause for the Board to recognize Jacob M. Berman as counsel *pro hac vice* in this proceeding.

Lead counsel for this proceeding, Megan Raymond, is a registered practitioner (Reg. No. 72,997).

Mr. Berman is an experienced litigation attorney. Mr. Berman has been practicing law for over 5 years and has extensive experience litigating patent infringement cases at all stages in many different District Courts across the country. Among his experience in patent litigation matters, Mr. Berman has been part of multiple trials, *Markman* hearings, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues. EX2027, ¶ 9.

Mr. Berman is a member in good standing of the bar of the State of New York. *Id.* ¶ 1.

Mr. Berman has not been suspended or disbarred from practice before any court or administrative body, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him. *Id.* ¶¶ 2-4.

Mr. Berman has read and will comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide and the Board’s Rules for Practice for Trials set forth in Part 42 of Title 37 of the C.F.R. *Id.* ¶ 5.

Mr. Berman agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq., and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 6.

In the last three years, Mr. Berman has not applied to appear *pro hac vice* in proceedings before the United States Patent and Trademark Office. *Id.* ¶ 7.

Mr. Berman has an established familiarity with U.S. Patent No. 12,071,391 (the “391 Patent”), the patented technology, and the specific subject matter in this proceeding. Since April 2025, he has been heavily involved with this proceeding, including in the analysis of the claim construction and invalidity issues raised by Intas. Mr. Berman has substantively participated in the analysis of the Petition, preparation of the Patent Owner’s Preliminary Response, analysis of the Institution Decision, and preparation of Patent Owner’s Response, and is thus familiar with the filings and various issues raised in this proceeding. *Id.* ¶ 8.

**III. Declaration of Jacob M. Berman**

As directed by the Board, this Motion is also accompanied by the Declaration of Jacob M. Berman in Support of Patent Owner's Unopposed Motion for *Pro Hac Vice* Admission.

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For the foregoing reasons as well as the reasons contained in the attached declaration, Atossa respectfully submits that it has shown good cause for the Board to recognize Mr. Berman as counsel *pro hac vice* in this proceeding.

Dated: December 23, 2025

Respectfully submitted by:  
/s/ Megan Raymond  
Megan Raymond (Reg. No. 72,997)  
J. Steven Baughman (Reg. No. 47,414)

*Attorneys For Patent Owner  
Atossa Therapeutics Inc.*

**CERTIFICATE OF PAGE COUNT**

The undersigned certifies that the foregoing ATTOSA THERAPEUTICS  
INC.'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF  
**JACOB M. BERMAN** PURSUANT TO 37 C.F.R. § 42.54 complies with the 15-  
page limitation in 37 C.F.R. §42.24(a)(1)(v).

Dated: December 23, 2025

Respectfully Submitted,

By: */s/ Megan Raymond*

Megan Raymond (Reg. No. 72,997)  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of PATENT OWNER’S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF JACOB M. BERMAN UNDER 37 C.F.R. § 42.10(c) has been served in its entirety by causing the aforementioned document to be electronically mailed to the following attorneys of record for the Patent Owner listed below:

**Petitioner’s Counsel of Record:**

Lead Counsel:	<b>Alejandro Menchaca</b> Registration No.: 34,389 Email: amenchaca@mcandrews-ip.com McAndrews, Held & Malloy, Ltd. 500 West Madison Street, 34th Floor Chicago, Illinois 60661 Tel: (312) 775-8000 Fax: (312) 775-8100  By Electronic Mail
Backup Counsel:	<b>Ben J. Mahon</b> Registration No.: 78,178 Email: bmahon@mcandrews-ip.com <b>Amanda C. Jackson</b> Registration No.: 77,549 Email: ajackson@mcandrews-ip.com McAndrews, Held & Malloy, Ltd. 500 West Madison Street, 34th Floor Chicago, Illinois 60661 Tel: (312) 775-8000  By Electronic Mail  391pgr@mcandrews-ip.com  By Electronic Mail

Dated: December 23, 2025

By: /Sayem Osman/  
Sayem Osman