

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AZURITY PHARMACEUTICALS, INC.,
Petitioners,

v.

HELSINN HEALTHCARE S.A.,
Patent Owner.

IPR2025-00945 (Patent 8,623,826 B2)
IPR2025-00946 (Patent 9,186,357 B2)
IPR2025-00947 (Patent 9,186,357 B2)
IPR2025-00948 (Patent 9,943,515 B2)
IPR2025-00949 (Patent 10,828,297 B2)¹

Before MICHAEL J. FITZPATRICK, SHERIDAN K. SNEDDEN, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

DECISION

Granting Patent Owner's Motion for *Pro Hac Vice* Admission
of Melanie R. Rupert and Justin T. Fleischacker
37 C.F.R. § 42.10

¹ This Order addresses issues that are identical in each of the above-identified proceedings. The parties are not permitted to use this caption unless authorized by the Board.

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On January 6, 2026, Patent Owner filed motions requesting *pro hac vice* admission of Melanie R. Rupert (Paper 17) and Justin T. Fleischacker (Paper 18) (collectively “the Motions”) in each of the above-identified proceedings.² Each Motion is supported by a corresponding declaration of Ms. Rupert (Ex. 2071) and Mr. Fleischacker (Ex. 2072) (collectively “the Declarations”). Patent Owner indicates that Petitioner does not oppose the Motions. Paper 17, 1; Paper 18, 1.

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, Paper 7 (PTAB Oct. 15, 2013) (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. Rupert and Mr. Fleischacker have sufficient legal and technical qualifications to represent Patent Owner in these proceedings, that Ms. Rupert and Mr. Fleischacker have demonstrated sufficient litigation experience and familiarity with the subject matter of these proceedings, and that Ms. Rupert and Mr. Fleischacker meet all other

² For convenience, we refer to the papers and exhibits filed by the parties in IPR2025-00945. Similar papers and exhibits were filed in each proceeding.

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requirements for admission *pro hac vice*. See Ex. 2071 ¶¶ 1–9; Ex. 2072 ¶¶ 1–9. Accordingly, Patent Owner has established good cause for *pro hac vice* admission of Ms. Rupert and Mr. Fleischacker. Ms. Rupert and Mr. Fleischacker will be permitted to serve as back-up counsel only. See 37 C.F.R. § 42.10(c).

We note that Patent Owner filed a Power of Attorney including Ms. Rupert and Mr. Fleischacker in accordance with 37 C.F.R. § 42.10(b). Paper 3. Patent Owner has also submitted a Mandatory Notice identifying Ms. Rupert and Mr. Fleischacker as back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3). Paper 4.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner’s Motions for *pro hac vice* admission of Melanie R. Rupert (Paper 17) and Justin T. Fleischacker (Paper 18) are *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent Patent Owner as lead counsel;

FURTHER ORDERED that Ms. Rupert and Mr. Fleischacker are authorized to represent Patent Owner as back-up counsel only;

FURTHER ORDERED that Ms. Rupert and Mr. Fleischacker shall be familiar with the Patent Trial and Appeal Board’s Consolidated Trial Practice Guide³ (84 Fed. Reg. 64,280 (Nov. 21, 2019)), and the Board’s

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

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Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Ms. Rupert and Mr. Fleischacker are 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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