

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DANA-FARBER CANCER INSTITUTE, INC.,
Petitioner v.

Bristol-Myers Squibb Company,
Patent Owner

Case: IPR2023-00249
Patent No. 10,323,092 B2

**PETITIONER DANA-FARBER CANCER INSTITUTE, INC.'S
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF
NOAH M. LEIBOWITZ**

Pursuant to 37 C.F.R. § 42.10(c), the Board's Notice of Filing Date Accorded (authorizing this motion), and the representative order in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (PTAB Oct. 15, 2013) (concerning the content of a motion for *pro hac vice* admission), the Petitioner respectfully requests that the Board recognize Noah M. Leibowitz as counsel *pro hac vice* in this proceeding. Patent Owner has indicated it will not oppose this motion.

Statement of Facts

1. Mr. Leibowitz is an experienced patent litigator. He has litigated numerous patent cases over the past 23 years and tried several patent cases to verdict. Ex. 1072 at ¶2.
2. Mr. Leibowitz is counsel to Petitioner. Mr. Leibowitz has been providing Petitioner (privileged) legal advice in connection with U.S. Patent No. 10,323,092 ("the '092 patent") and related patents, and in connection with district court litigation between the parties to this IPR. Petitioner has requested that Mr. Leibowitz help to represent it during the remainder of this trial. *Id.* at ¶3.
3. Mr. Leibowitz is familiar with the technology and subject matter at issue in this trial. He has reviewed the patent, the papers and evidence filed by Petitioner. *Id.* at ¶4.
4. Mr. Leibowitz is a member in good standing of the New York and

New Jersey bars, and is admitted to practice before the United States Supreme Court, the U.S. Courts of Appeals for the Federal, Second, and Third Circuits, and the U.S. District Courts for the Eastern District of New York, Southern District of New York, and the District of New Jersey. *Id.* at ¶5.

5. Mr. Leibowitz has not been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶6.

6. Mr. Leibowitz has not had any application for admission to practice before any court or administrative body denied. *Id.* at ¶7.

7. Mr. Leibowitz has not been the subject of any sanctions or contempt citations imposed by any court to administrative body. *Id.* at ¶8.

8. Mr. Leibowitz has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R. *Id.* at ¶9.

9. Mr. Leibowitz will 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 ¶10.

10. Mr. Leibowitz has either appeared or intends to appear *pro hac vice* before the Office in the related IPR proceedings identified in Petitioner's Mandatory Notices in this case. Mr. Leibowitz has appeared *pro hac vice* in eighteen (18) times in the last three (3) years in *Ingenico Inc. et al v. IOENGINE, LLC*, IPR2019-00416;

Ingenico Inc. et al v. IOENGINE, LLC, IPR2019-00879; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00884; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00885; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00886; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00887; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00906; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00907; *Ingenico Inc. et al v. IOENGINE, LLC*, IPR2019-00929; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00930; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00931; *Club Champion LLC v. True Spec Golf LLC*, IPR2019-01148; *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01257; *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01258; *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01551; *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01552; *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01553; and *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01554. *Id.* at ¶11.

11. Petitioner’s lead counsel, Amanda K. Antons, is registered to practice before the United States Patent and Trademark Office (“USPTO”) and holds Registration No. 65,236.

12. Patent Owner does not oppose this motion.

Accordingly, good cause exists for the granting of this motion, and Petitioner respectfully requests that Noah M. Leibowitz be admitted *pro hac vice*.

Dated: February 3, 2023

/ Amanda K. Antons /
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CERTIFICATE OF SERVICE

I certify that today in

Dana-Farber Cancer Institute, Inc. v. Bristol-Myers Squibb Co., IPR2023-00249

I caused to be served a copy of:

Motion for *Pro Hac Vice* Admission of Noah M. Leibowitz
Accompanying Exhibit 1072
Certificate of Service

upon:

Bristol-Myers Squibb Company c/o:
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Dated: February 3, 2023

Respectfully submitted,

/Amanda K. Antons/

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