

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX CORP.,
Petitioner

v.

ALCON RESEARCH, LTD.,
Patent Owner.

Case IPR2013-00428
U.S. Patent No. 8,268,299

**DECLARATION OF DAVID M. HORNIK IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION
PURSUANT TO 37 C.F.R. § 42.10(c)**

1. I, David M. Horniak, am more than twenty-one years of age, am competent to present this declaration, and have personal knowledge of the facts set forth herein.
2. This declaration is given in support of the patent owner Alcon Research, Ltd.'s Motion for *Pro Hac Vice* Admission.
3. I am a member in good standing of the bars of California and the District of Columbia.

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4. I have never been suspended or disbarred from practice before any court or administrative body.

5. No court or administrative body has ever denied my application for admission to practice before it.

6. No court or administrative body has ever imposed sanctions or contempt citations on me.

7. I have read and will comply with the Office Patent Trial Practice guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.

8. I understand that I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 *et seq.* and will be subject to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

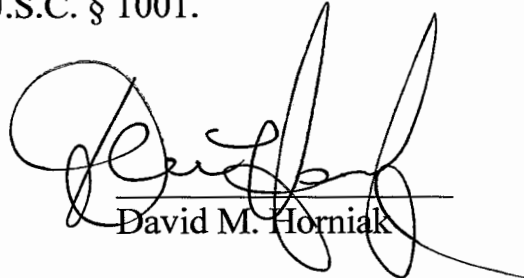
9. I am concurrently seeking *pro hac vice* admission in the petitioner's *inter partes* challenges to U.S. Patent Nos. 8,323,630 and 8,388,941. Those proceedings have been designated IPR2013-00429 and IPR2013-00430, respectively. I have not applied to appear *pro hac vice* in any other proceedings before the Office in the last three (3) years.

10. I am familiar with the subject matter at issue in the present proceeding. I currently represent Alcon in parallel litigation in the U.S. District Court for the District of Delaware in which the same patent is at issue: *Alcon Research, Ltd. v. Mylan Pharmaceuticals Inc. & Mylan Inc.*, No. 1:13-cv-01332-

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SLR; *Alcon Research, Ltd. v. Wockhardt Ltd., Wockhardt Bio AG, & Wockhardt USA, LLC*, No. 1:13-cv-02040-SLR; and *Alcon Research, Ltd. v. Micro Labs Ltd. & Micro Labs USA Inc.*, No. 1:14-cv-00014-SLR. In addition, I have worked with the fact and expert witnesses who submitted declarations in connection with Alcon's Response to Petitioner's *inter partes* petition.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.



David M. Horniak