

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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AKER BIOMARINE AS  
Petitioner

v.

NEPTUNE TECHNOLOGIES AND BIORESSOURCES INC.  
Patent Owner

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Case IPR2014-00003  
Patent 8,278,351

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**MOTION FOR JONATHAN G. GRAVES TO APPEAR  
*PRO HAC VICE* ON BEHALF OF  
PATENT OWNER NEPTUNE TECHNOLOGIES  
AND BIORESSOURCES INC.**

**I. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Pursuant to the Board's NOTICE OF FILING DATE ACCORDED TO PETITION AND TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE entered October 2, 2013 (Paper 7), authorizing the parties to the present proceeding to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Patent Owner Neptune Technologies & Bioresources Inc. ("Neptune") hereby moves for an Order allowing Jonathan G. Graves of Cooley LLP to appear *pro hac vice* on behalf of Neptune in the above-captioned case.

**II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION**

- Neptune Exhibit 2019 – Declaration of Jonathan G. Graves in Support of Motion to Appear *Pro Hac Vice* on Behalf of Patent Owner Neptune.

**III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED**

As set forth below in the Statement of Material Facts, Neptune has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Mr. Graves *pro hac vice*. In particular, Mr. Graves has over 23 years of experience as a litigating attorney. Further, Mr. Graves has an established familiarity with the subject matter at issue in this proceeding. Accordingly, allowing Mr. Graves to appear *pro hac vice* on behalf of Neptune is appropriate in this proceeding.

#### **IV. STATEMENT OF MATERIAL FACTS**

1. 37 C.F.R. § 42.10(c) provides that “[t]he 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 and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.”

2. Lead counsel in this *Inter Partes* Review proceeding is Stephen L. Altieri, Ph.D. Dr. Altieri is registered to practice before the United States Patent and Trademark Office and holds Registration No. 63,133.

3. As set forth in the attached Neptune Exhibit 2019 - Declaration of Jonathan G. Graves in Support of Motion to Appear *Pro Hac Vice* on Behalf of Patent Owner Neptune Technologies & Bioresources Inc.. (the “Graves Declaration”), Mr. Graves is an experienced litigating attorney and has an established familiarity with the subject matter at issue in this proceeding. In particular, Mr. Graves has over 23 years of experience as a litigating attorney representing clients in matters in various United States District Courts and United States Courts of Appeals, and before the International Trade Commission. Graves Declaration ¶ 3. Mr. Graves’s experience

includes several litigation matters in the chemical arts. *Id.*

4. Further, Mr. Graves is familiar with U.S. Patent No. 8,278,351, and with the legal subject matter, technical subject matter, and prior art discussed in Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 8,278,351 which forms the basis for this proceeding. *Id.* ¶ 4.

5. Mr. Graves has 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 the C.F.R. *Id.* ¶ 9. Mr. Graves also agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 10.

6. Finally, Mr. Graves has attested to the remaining elements of Paragraph 2(b) of the representative "Order – Authorizing Motion for *Pro Hac Vice* Admission" in Case IPR2013-00010 (MPT). Graves Declaration ¶¶ 5-8, 11-12; *see* NOTICE OF FILING DATE ACCORDED TO PETITION AND TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE entered October 2, 2013 (Paper 7) at 2.

**V. CONCLUSION**

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Neptune hereby moves for an Order allowing Jonathan G. Graves of Cooley LLP to appear *pro hac vice* on behalf of Neptune in the above-captioned case.

Respectfully submitted,

**COOLEY LLP**

Dated: May 14, 2014

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