

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVEN PHARMACEUTICALS INC.,
Petitioner

v.

NOVARTIS AG AND LTS LOHMANN THERAPIE-SYSTEME AG,
Patent Owners

Inter Partes Review No. 2014-00550

U.S. Patent 6,335,031

**DECLARATION IN SUPPORT OF PATENT OWNERS' MOTION
FOR *PRO HAC VICE* ADMISSION OF CHARLOTTE C. JACOBSEN
UNDER 37 C.F.R. § 42.10**

1. I, Charlotte C. Jacobsen, 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 Patent Owners' Motion for *Pro Hac Vice* Admission.

3. I am a partner at the law firm of Fitzpatrick, Cella, Harper & Scinto in the New York office.

4. I have been a patent litigation attorney for more than eleven years. I have been litigating patent cases for this entire time period and have been involved in numerous cases involving patent validity and infringement in District Courts across the country as well as at the Federal Circuit. I have extensive experience in bench trials. A significant portion of my work has involved biological and chemical arts, with particular emphasis on pharmaceuticals. I am, therefore, an experienced litigating attorney.

5. I am a member in good standing of the State Bar of New York and the Bar of England and Wales. I have never been suspended or disbarred from practice before any court or administrative body.

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

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

8. 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 the C.F.R.

9. I understand that I will be subject to the Office's 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).

10. I am concurrently seeking *pro hac vice* admission to appear in a co-pending case brought by the Petitioner against Patent Owners, Case IPR2014-00549. I have not applied to appear *pro hac vice* in another proceeding before the Office in the last three (3) years.

11. I have an established familiarity with the subject matter at issue in this proceeding. I have been involved consistently and substantively in this *inter partes* review proceeding since its inception in April 2014 and was engaged by Patent Owners to work on the proceeding from the outset. I have read in detail and understand the Petition filed by Petitioner and the challenged patent, U.S. Patent 6,335,031 ("the '031 patent"). I have also reviewed in detail all the exhibits relied upon by Petitioner in this proceeding.

12. I have engaged in extensive strategic and substantive discussions regarding this proceeding with Raymond R. Mandra, who is the lead counsel for Patent Owners in this proceeding and in Case IPR2014-00549, and Nicholas K. Kallas, who is the back-up counsel for Patent Owners in this proceeding. I have also engaged in extensive substantive discussions with experts concerning issues relevant to this proceeding and Case IPR2014-00549.

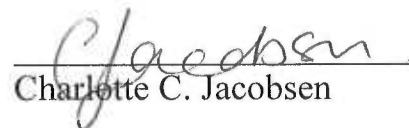
13. Since January 2012, I have served as counsel for Patent Owners in several related lawsuits in which the '031 patent is or was asserted, including (1) *Novartis Pharm. Corp. et al. v. Par Pharm. Inc. et al.*, 1:11-cv-01077 (D. Del.); (2) *Novartis Pharm. Corp. et al. v. Watson Labs. Inc. et al.*, 1:11-cv-01112 (D. Del.); (3) *Novartis Pharm. Corp. et al. v. Alvogen Pine Brook Inc. et al.*, 1:13-cv-00052 (D. Del.); (4) *Novartis Pharm. Corp. et al. v. Alvogen Pine Brook Inc. et al.*, 1:13-cv-00370 (D. Del.); (5) *Novartis Pharm. Corp. et al. v. Actavis, Inc. et al.*, 1:13-cv-00371 (D. Del.); (6) *Novartis Pharm. Corp. et al. v. Noven Pharm. Inc. et al.*, 1:13-cv-00527 (D. Del.); (7) *Novartis Pharm. Corp. et al. v. Noven Pharm. Inc.*, 1:14-cv-00111 (D. Del.); (8) *Novartis Pharm. Corp. et al. v. Mylan Inc. et al.*, 1:14-cv-00777 (D. Del.); (9) *Novartis Pharm. Corp. et al. v. Mylan Inc. et al.*, 1:14-cv-00106 (N.D.W.V.); (10) *Novartis Pharm. Corp. et al. v. Zydus Noveltech Inc. et al.*, 1:14-cv-01104 (D. Del.); (11) *Novartis Pharm. Corp. et al. v. Zydus Noveltech Inc. et al.*, 1:14-cv-05405 (D.N.J.); (12) *Watson Labs. Inc. et al. v. Novartis*

Pharm. Corp. et al., 14-1799 (C.A.F.C.); (13) *Novartis Pharm. Corp. et al. v. Par Pharm. Inc. et al.*, 15-1061 (C.A.F.C.); and (14) *Par Pharm. Inc. v. Novartis Pharm. Corp. et al.*, 15-1120 (C.A.F.C.). Two of those lawsuits, (6) and (7) *supra*, are pending against Petitioners. In those two lawsuits, I recently deposed one of Petitioner's declarants from this proceeding, Dr. Agis Kydonieus.

14. I am familiar with the subject matter at issue in this proceeding as a result of my representation of Patent Owners in the above-mentioned related litigation.

15. Therefore, I have an established familiarity with the subject matter at issue in this proceeding.

16. I declare further 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 Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '031 patent.


Charlotte C. Jacobsen