

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

**ENZYMOTEC LTD.,  
Petitioner**

**v.**

**NEPTUNE TECHNOLOGIES AND BIORESSOURCES INC.,  
Patent Owner**

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**IPR2014-00556**

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**MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL  
P. MARGOLIS UNDER 37 C.F.R. § 42.10(c)**

**Mail Stop "PATENT BOARD"  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**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,” dated April 10, 2014 (Paper 5), authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Petitioner Enzymotec Ltd. respectfully requests that the Board allow Daniel P. Margolis to appear *pro hac vice* on its behalf in this proceeding.

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

As set forth in the Statement of Material Facts below, as required by 37 C.F.R. § 42.10(c), Petitioner has demonstrated good cause to admit Dr. Margolis *pro hac vice* in this proceeding. In particular, Petitioner’s lead counsel is a registered practitioner, and Dr. Margolis is an experienced litigating attorney having an established familiarity with the subject matter at issue in this proceeding.

Furthermore, this motion is being filed more than twenty one days after service of the petition; includes a statement of facts showing good cause for the Board to recognize Dr. Margolis *pro hac vice*; and is accompanied by the declaration of Daniel P. Margolis in Support of Petitioner’s Motion for *Pro Hac Vice* Admission (Ex. 1081), all in accordance with the “Order Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7.

### III. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides:

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 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. Elizabeth J. Holland, lead counsel for Petition Enzymotec Ltd. in this proceeding, is a registered practitioner holding Registration No. 47,657.

3. As set forth in the declaration of Daniel P. Margolis in Support of Petitioner's Motion for *Pro Hac Vice* Admission (Ex. 1081), Dr. Margolis is an experienced litigating attorney. Specifically, Dr. Margolis has nearly eight years of experience representing clients in patent litigations, primarily in the chemical arts, in United States district courts, the Court of Appeals for the Federal Circuit, and the International Trade Commission. (Ex. 1081, ¶ 2).

4. Dr. Margolis also has an established familiarity with the subject matter at issue in this proceeding. Patent Owner previously asserted U.S. Patent No. 8,278,351 (“the ’351 patent”), the patent at issue in this proceeding, against Enzymotec Ltd. in Investigation No. 337-TA-887 before the United States International Trade Commission (“the ITC case”). Dr. Margolis was litigation counsel for Enzymotec Ltd. in that Investigation, and in the course of that representation, developed a strong familiarity with the ’351 patent, its prosecution history, and the general subject matter to which the ’351 patent is directed. (Ex. 1081, ¶ 10). Dr. Margolis also became particularly familiar with the prior art references relied upon by Petitioner in support of its invalidity grounds in this proceeding, as they were similarly relied upon by Petitioner in the ITC case. (*Id.*). Additionally, Dr. Margolis has thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding. (*Id.*).

5. Dr. Margolis has attested to the each of the requirements set forth in paragraph 2(b) of the “Order Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7. (Ex. 1081, ¶¶ 3-10).

#### **IV. CONCLUSION**

In view of the foregoing, Petitioner respectfully submits that the requirements of 37 C.F.R. § 42.10(c) have been satisfied, and requests an Order

Motion for *Pro Hac Vice* Admission of Daniel P. Margolis

permitting Daniel P. Margolis to appear *pro hac vice* on its behalf in this proceeding.

Dated: May 30, 2014

Respectfully submitted,

/Elizabeth J. Holland/

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