

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIODELIVERY SCIENCES INTERNATIONAL, INC.
Petitioner

v.

RB PHARMACEUTICALS LIMITED
Patent Owner.

Case IPR2014-00998
Patent 8,475,832

**MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10**

Patent Owner respectfully requests that the Board recognize Mr. Daniel A.

Ladow as counsel *pro hac vice* during this proceeding.

1. Time for Filing

This Motion for *Pro Hac Vice* Admission is being filed no sooner than twenty one (21) days after service of the petition.

2. Statement of Facts

As required by the Notice of Filing Date, and by the Order Authorizing Motion for *Pro Hac Vice* Admission in Case IPR2013-00639 (“the Representative Order”), the following statement of facts shows that there is good cause for the Board to recognize Mr. Ladow *pro hac vice*.

This proceeding is closely related to IPR2014-00325, which has been instituted as to the same claims of the same patent at issue here. In that related *inter partes* review, the Board has recognized Mr. Ladow as counsel *pro hac vice*. IPR2014-00325, Paper 14. Mr. Ladow has also been recognized as counsel *pro hac vice* in the unrelated IPR2013-00459.

Mr. Ladow is an experienced litigating attorney with experience, among other things, in numerous patent infringement litigations in District Courts across the country, including experience in trials and *Markman* hearings, and before the Federal Circuit, experience in Interference proceedings and *inter partes* review before the Office, experience in § 146 civil actions, and experience in § 337 ITC

investigations. A biographical profile of Mr. Ladow is attached as Appendix A to the Affidavit of Daniel A. Ladow (RB Ex. 2001) filed concurrently. As stated by Mr. Ladow in the Affidavit, he will be subject to the USPTO Rules of Professional Conduct.

The '832 patent was previously asserted against Petitioner in *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. BioDelivery Sciences International, Inc.*, E.D.N.C. Civil Action No. 13-cv-760-BO. That action was subsequently dismissed without prejudice as premature on procedural grounds. The '832 patent is involved in *BioDelivery Sciences International, Inc. v. Reckitt Benckiser Pharmaceuticals, Inc. et al.*, E.D.N.C. Civil Action No. 14-cv-529-H. The '832 patent has also been asserted in *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Par Pharmaceutical, Inc., and IntelGenx Technologies, Corp.*, D. Del. Civil Action No. 13-1461-RGA; *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Watson Laboratories, Inc.*, D. Del. Civil Action No. 13-1674-RGA; *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Alvogen Pine Brook, Inc.*, D. Del. Civil Action No. 13-2003-RGA; and *Reckitt Benckiser Pharmaceuticals, Inc., RB Pharmaceuticals Limited, and MonoSol Rx, LLC. v. Par Pharmaceutical, Inc., and IntelGenx Technologies, Corp.*, D. Del. Civil Action No. 14-422-RGA. The

13-1674 (Watson) and 14-422 (Par) Actions remain pending. (The 13-1461 (Par) and 13-2003 (Alvogen) Actions were dismissed without prejudice in light of Par and Alvogen having prematurely triggered the Hatch-Waxman ANDA litigation process in regard to those Actions.)

Mr. Ladow has been lead counsel for Patent Owner in all the above co-pending litigation, and remains lead counsel in the cases still pending, and, as such, has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, Mr. Ladow is responsible for the conduct of the cases. Mr. Ladow has reviewed and analyzed voluminous technical literature related to the claimed technology, including prior art references presented by Petitioner in its Petition and by the other defendants in the co-pending litigation. Patent Owner has expended significant resources in the co-pending litigation with Mr. Ladow as lead counsel, and Patent Owner wishes to continue using Mr. Ladow as counsel in this proceeding.

Therefore, Patent Owner respectfully submits that there is good cause for the Board to recognize Mr. Ladow as counsel *pro hac vice* during this proceeding.

3. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Daniel A. Ladow (RB Ex. 2001) as required by the Representative Order.

Dated: October 1, 2014

Case No. IPR2014-00998

Patent No. 8,475,832

Respectfully submitted,

By: /James M. Bollinger/

James Moore Bollinger

Registration No. 32,555

Lead Counsel for Patent Owner

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