

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ACTAVIS, INC., ACTAVIS LABORATORIES FL, INC.,  
ACTAVIS PHARMA, INC., AMNEAL PHARMACEUTICALS, LLC,  
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC,  
AUROBINDO PHARMA LTD., AUROBINDO PHARMA USA, INC.,  
BRECKENRIDGE PHARMACEUTICAL, INC., VENNOOT  
PHARMACEUTICALS, LLC, SANDOZ INC., SUN PHARMA GLOBAL FZE,  
and SUN PHARMACEUTICAL INDUSTRIES, LTD.,  
Petitioners

v.

RESEARCH CORPORATION TECHNOLOGIES, INC.,  
Patent Owner

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Case: IPR2014-01126  
Patent RE 38,551

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**PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION OF  
JAMES F. HURST UNDER 37 C.F.R. § 42.10**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
*Submitted Electronically via the Patent Review Processing System*

Pursuant to 37 C.F.R. § 42.10, and pursuant to the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper Number 8, mailed July 23, 2014) (“the Notice”), Petitioners Actavis, Inc., Actavis Laboratories FL, Inc. (f/k/a Watson Laboratories, Inc. – Florida), Actavis Pharma, Inc. (f/k/a Watson Pharma, Inc.), Amneal Pharmaceuticals, LLC, Amneal Pharmaceuticals of New York, LLC, Aurobindo Pharma Ltd., Aurobindo Pharma USA, Inc., Breckenridge Pharmaceutical, Inc., Venoot Pharmaceuticals, LLC, Sandoz Inc., Sun Pharma Global FZE, and Sun Pharmaceutical Industries, Ltd. submit this motion for James F. Hurst to appear *pro hac vice*. Petitioners respectfully request the Board to recognize Mr. Hurst as counsel *pro hac vice* during this proceeding, and demonstrate good cause for doing so as shown below.

## **I. TIME FOR FILING**

Pursuant to the authorization provided in the Notice, as well as the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (Oct. 15, 2013) (“the Order”), this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the Petition.

## II. STATEMENT OF FACTS

Pursuant to the Order, the following statement of facts shows that good cause exists for the Board to recognize Mr. Hurst *pro hac vice*.

Lead counsel for this proceeding, Samuel S. Park, is a registered practitioner (Reg. No. 59,656).

Mr. Hurst is an experienced litigation attorney with 25 years of litigation experience. Ex. 1037 ¶ 8. He has been involved in numerous patent infringement cases in federal district courts across the country. *Id.* He has experience in various aspects of patent infringement matters, including jury and bench trials, *Markman* hearings, and summary judgment hearings. *Id.* He has argued multiple patent cases before the U.S. Court of Appeals for the Federal Circuit. *Id.*

Mr. Hurst is a member in good standing of the Illinois Bar and is admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Seventh Circuit, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the Eastern District of Texas, and the United States District Court for the Northern District of Illinois. *Id.* ¶ 1.

Mr. Hurst has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him. *Id.* ¶¶ 2-4.

Mr. Hurst is lead trial counsel for Petitioners in patent litigation against Patent Owner concerning the patent challenged in the Petition (*UCB, Inc., et al. v. Accord Healthcare, Inc., et al.*, C.A. No. 13-1206-LPS (D. Del.)). *Id.* ¶ 8. As a result of Mr. Hurst's involvement as trial counsel for Petitioners in co-pending district court litigation over the involved patent, Mr. Hurst has obtained familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. Moreover, Mr. Hurst has reviewed the involved patent, the Petition, the prior art, and all other cited materials. *Id.* Given his extensive patent litigation experience—including patent litigation on behalf of Petitioners—and his familiarity with the instant Petition, the cited materials, and the patented technology, Mr. Hurst has established familiarity with the subject matter at issue in this proceeding. *Id.*

Mr. Hurst has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶¶ 5-6.

Mr. Hurst has not applied to appear *pro hac vice* in the last three years in any matter before the Board. *Id.* ¶ 7.

Given that Mr. Hurst is a trusted advisor to Petitioners on matters involving the litigation of patent disputes—including patent litigation concerning the patent at issue here—and his familiarity with the subject matter at issue in this proceeding, Petitioners respectfully submit that they have shown good cause for the Board to recognize Mr. Hurst as counsel *pro hac vice* during this proceeding.

### **III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR**

This Motion is accompanied by a Declaration of Mr. Hurst as required by the Order.

Dated: August 19, 2014

Respectfully submitted,

/Samuel S. Park/

Samuel S. Park  
Reg. No. 59,656

*Lead Counsel for Petitioners Actavis, Inc., Actavis Laboratories FL, Inc., Actavis Pharma, Inc., Amneal Pharmaceuticals, LLC, Amneal Pharmaceuticals of New York, LLC, Aurobindo Pharma Ltd., Aurobindo Pharma USA, Inc., Breckenridge Pharmaceutical, Inc., Vennoot Pharmaceuticals, LLC, Sandoz Inc., Sun Pharma Global FZE, and Sun Pharmaceutical Industries, Ltd.*

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