

**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 CHARLES B. KLEIN 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 Charles B. Klein to appear *pro hac vice*. Petitioners respectfully request the Board to recognize Mr. Klein 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. Klein *pro hac vice*.

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

Mr. Klein is an experienced litigation attorney with 19 years of litigation experience. Ex. 1038 ¶ 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 in multiple patent cases in federal courts. *Id.*

Mr. Klein is a member in good standing of the District of Columbia and Virginia Bars 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 Third 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 Court of Federal Claims, the United States District Court for the District of Arizona, the United States District Court for the District of Columbia, the United States District Court for the

District of Maryland, the United States District Court for the Eastern District of Michigan, the United States District Court for the Eastern District of Virginia, the United States District Court for the Western District of Virginia, the United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, and the Supreme Court for the Commonwealth of Virginia. *Id.* ¶ 1.

Mr. Klein 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. Klein is 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. Klein's involvement as trial counsel for Petitioners in co-pending district court litigation over the involved patent, Mr. Klein has obtained familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. Moreover, Mr. Klein 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. Klein has established familiarity with the subject matter at issue in this proceeding. *Id.*

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

Given that Mr. Klein 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. Klein 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. Klein as required by the Order.

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