

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

**MYLAN PHARMACEUTICALS INC.**

*Petitioner*

v.

**YEDA RESEARCH AND DEVELOPMENT CO. LTD.**

*Patent Owner*

---

**Case No. IPR2015-00644**

Patent No. 8,399,413

---

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF  
DARYL L. WIESEN UNDER 37 C.F.R. § 42.10(c)**

**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 February 25, 2015 (Paper No. 5), authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Patent Owner Yeda Research and Development Co. Ltd. respectfully requests that the Board allow Daryl L. Wiesen to appear *pro hac vice* on its behalf in this proceeding. Petitioner has stated that it will not oppose this motion.

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

As set forth in the Statement of Material Facts below, and as required by 37 C.F.R. § 42.10(c), Patent Owner has demonstrated good cause to admit Mr. Wiesen *pro hac vice* in this proceeding. In particular, Patent Owner’s lead counsel is a registered practitioner, and Mr. Wiesen 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 Mr. Wiesen *pro hac vice*; and is being filed concurrently with Exhibit 2137, the Declaration of Daryl L. Wiesen in Support of Patent Owner’s Motion for *Pro Hac Vice* Admission of Daryl L. Wiesen (“Wiesen Decl.”), all in accordance with the “Order Authorizing Motion for *Pro Hac Vice* Admission” in

*Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 at 3 (P.T.A.B. Oct. 15, 2013).

### III. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides that “[t]he 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 Patent Owner Yeda Research and Development Co. Ltd. in this proceeding, is a registered practitioner holding Registration No. 47,657.
3. As set forth in the Wiesen Decl., Mr. Wiesen is an experienced litigating attorney. Specifically, Mr. Wiesen has nearly 20 years of experience representing clients in patent litigations, primarily in the chemical arts, in United States district courts and the Court of Appeals for the Federal Circuit. (Wiesen Decl., ¶¶ 2-3). Mr. Wiesen also has over a decade of experience litigating cases

on behalf of the Patent Owner and Teva entities, both generally and in litigations related to GA and Copolymer 1. (Wiesen Decl., ¶¶ 5-7).

4. Mr. Wiesen also has an established familiarity with the precise subject matter at issue in this proceeding. Petitioner and Patent Owner are currently involved in district court litigation involving U.S. Patent No. 8,399,413 (“the ’413 patent”), the patent at issue in this proceeding, against Petitioner and several other defendants in *Teva Pharmaceuticals USA, Inc. et al. v. Mylan Pharmaceuticals Inc. et al.*, Civil Action No. 1:14-cv-01278-GMS (D.Del.) (consolidated as *In re Copaxone 40 MG Consolidated Cases*, Case No. 1:14-cv-01171-GMS (D. Del.)), as well as in *Teva Pharmaceuticals USA, Inc. et al. v. Mylan Pharmaceuticals Inc. et al.*, Case No. 1:14-cv-00167-IMK (N.D.W.Va). Mr. Wiesen is litigation counsel for Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Teva Neuroscience, Inc. and Yeda Research and Development Co., Ltd., in these litigations. In the course of this representation, he has developed a strong familiarity with the ’413 patent, its prosecution history, the general subject matter to which the ’413 patent is directed, and the prior art references relied upon by Petitioner in support of its invalidity grounds in this proceeding. (Wiesen Decl., ¶ 8). Additionally, Mr. Wiesen has thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding. (*Id.*).

5. Mr. Wiesen has attested to the each of the requirements set forth in paragraph 2(b)(i)-(viii) of the “Order Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7 at 3. (Wiesen Decl., ¶¶ 3, 4, 6-8, 9-13).

#### IV. CONCLUSION

In view of the foregoing, Patent Owner respectfully submits that the requirements of 37 C.F.R. § 42.10(c) have been satisfied, and requests an Order permitting Daryl L. Wiesen to appear *pro hac vice* on its behalf in this proceeding.

Dated: December 18, 2015

Respectfully submitted,

/Elizabeth J. Holland/

Elizabeth J. Holland (Reg. No. 47,657)

Goodwin Procter LLP

The New York Times Building

620 Eighth Avenue

New York, NY 10018

Tel: 212-813-8800

Fax: 212-355-3333

*Counsel for Patent Owner Yeda Research  
and Development Co. Ltd.*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.