

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

**DECLARATION OF NICHOLAS K. MITROKOSTAS IN SUPPORT OF
PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
NICHOLAS K. MITROKOSTAS UNDER 37 C.F.R. § 42.10(c)**

I, Nicholas K. Mitrokostas, declare as follows:

1. I obtained a B.A. from Harvard College in 1999, and a J.D. from Georgetown University Law Center in 2003.

2. I am currently a partner in the law firm of Goodwin Procter LLP, a position which I have held since 2011. In my 12 years of law practice, I have focused primarily on representing clients in patent litigations involving the pharmaceutical and chemical arts in United States district courts and the Court of Appeals for the Federal Circuit. Through this work, I have gained extensive experience as a litigating attorney, particularly in patent cases.

3. I am a member in good standing of the Bars of the Commonwealth of Massachusetts and the State of New York. I am admitted to practice before the United States District Court for the District of Massachusetts. I am also admitted to practice before the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States.

4. Concurrently with this application, I am applying to appear *pro hac vice* in IPR2015-00643 and IPR2015-00830. I have not applied to appear *pro hac vice* in any other proceeding before the Office in the last three years.

5. I have represented Teva generally in litigating a number of pharmaceutical patent cases, including as:

- a. trial counsel in *Teva Branded Pharmaceutical Products R&D Inc. et al v. Perrigo Pharmaceuticals Co. et al.*, Case No. 1:12-cv-01101-GMS in the U.S. District Court for the District of Delaware.
- b. trial counsel in *Pfizer Inc. et al. v. IVAX Pharmaceuticals Inc.*, Case No. 2:07-cv-00174-DMC-MF in the U.S. District Court for the District of New Jersey.
- c. trial counsel in *Cephalon Inc. v. Eagle Pharmaceuticals Inc.*, Case No. 1:13-cv-02046-GMS in the U.S. District Court for the District of Delaware.

6. I have been litigating issues relating to Copaxone and/or GA for more than 6 years.

7. I have represented Teva generally in litigating a number of cases related to GA/Copolymer 1, as well as the Copaxone 20mg product, including as:

- a. trial and appellate counsel in *Teva Pharmaceuticals USA, Inc. et al v. Mylan Pharmaceuticals Inc. et al.*, Case No. 1:09-cv-08824-WHP in the U.S. District Court for the Southern District of New York.
- b. trial and appellate counsel in *Teva Pharmaceuticals USA, Inc. et al v. Mylan Pharmaceuticals Inc. et al.*, Case No. 1:10-cv-07246-KBF in the U.S. District Court for the Southern District of New York.

8. I have substantial familiarity with the subject matter at issue in this proceeding. Patent Owner has asserted 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 in the U.S. District Court for the District of Delaware (consolidated as *In re Copaxone 40 MG Consolidated Cases*, Case No. 1:14-cv-01171-GMS (D. Del.)). I serve as litigation counsel for Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Teva Neuroscience, Inc. and Yeda Research and Development Co., Ltd., in that litigation, as well as in *Teva Pharmaceuticals USA, Inc. et al. v. Mylan Pharmaceuticals Inc. et al.*, Civil Action No. 1:14-cv-00167-IMK in the U.S. District Court for the Northern District of West Virginia. In the course of these proceedings, I have 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. Furthermore, I have thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding.

9. I have never been suspended or disbarred from practice before any court or administrative body.

10. I have never had an application for admission to practice before any court or administrative body denied.

11. I have never been subject to any sanction or contempt citation imposed by any court or administrative body.

12. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.

13. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

14. I declare under penalty of perjury that the foregoing is true and correct. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on: December 21, 2015

/Nicholas K. Mitrokostas/
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