

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LUPIN LIMITED

Petitioner,

v.

JANSSEN R&D IRELAND

Patent Owner.

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Case IPR2015-01030

Patent 8,518,987 B2

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**LUPIN LIMITED'S MOTION FOR *PRO HAC VICE*  
ADMISSION OF WILLIAM A. RAKOCZY PURSUANT  
TO 37 C.F.R. § 42.10(c)**

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**I. RELIEF REQUESTED.**

Pursuant to 37 C.F.R. §42.10(c) and the Board’s “Order Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. §42.10,” in Case IPR2013-00639, Paper 7, entered October 15, 2013, incorporated by Paper 4 in the present case, Petitioner Lupin Limited requests that the Board admit William A. Rakoczy *pro hac vice* in this proceeding.

**II. STATEMENT OF FACTS.**

Pursuant to 37 C.F.R. §42.10(c), the 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.

37 C.F.R. §42.10(c). The facts, supported by the attached Declaration of William A. Rakoczy in Support of Motion for Admission *Pro Hac Vice* (“Rakoczy Decl.”), establish good cause to admit Mr. Rakoczy *pro hac vice* in this proceeding.

1. Lead counsel Deanne M. Mazzochi is a registered practitioner before the USPTO.
2. Back-up counsel Tara M. Raghavan is a registered practitioner before the USPTO.

3. William A. Rakoczy is an experienced litigating attorney. Mr. Rakoczy has been a litigating attorney for more than 15 years. (Rakoczy Decl. ¶ 1). Mr. Rakoczy has been litigating patent cases for at least 15 years. (*Id.* ¶ 2). Mr. Rakoczy is a member in good standing of the Illinois State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the Supreme Court of the United States, United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Seventh Circuit, United States Court of Appeals for the District of Columbia Circuit, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the Third Circuit, and the United States District Courts for the Northern District of Illinois, Western District of Wisconsin, District of Columbia, Western District of Michigan, and District of Colorado. (*Id.* ¶¶ 3-5).

4. Mr. Rakoczy has familiarity with the subject matter at issue in this proceeding based on his work as counsel in the past district court cases *Janssen Prods., L.P. et al. v. Lupin Ltd. et al.*, Lead Consolidated C.A. No. 10-5954 (D.N.J.) (pending Consolidated Appeal No. 14-1842 (Fed. Cir.)); *Tibotec Inc. et al. v. Lupin Ltd. et al.*, C.A. No. 11-4027 (D.N.J.) (consolidated with 10-5954 action, pending 14-1842 appeal); and *Janssen Prods., L.P. et al. v. Lupin Ltd. et al.*, C.A. No. 13-3891 (D.N.J.) (stayed pending 14-1842 appeal). The aforementioned cases

involve related patents to the patent-at-issue in this proceeding. (Rakoczy Decl. ¶ 6). Mr. Rakoczy has been actively involved in all aspects of the past district court cases, including the issue of validity of the related patents-in-suit. (*Id.* ¶¶ 6-7).

5. Mr. Rakoczy 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 Code of Professional Responsibility set forth in 37 C.F.R. §§11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (Rakoczy Decl. ¶¶ 8-9).

6. In the last three (3) years, Mr. Rakoczy has not applied to appear *pro hac vice* in an *inter partes* review proceeding. (Rakoczy Decl. ¶ 10).

### **III. ANALYSIS.**

The facts contained in the Statement of Facts above, and contained in the Rakoczy Declaration, establish that there is good cause to admit Mr. Rakoczy *pro hac vice* in this proceeding under 37 C.F.R. §42.10(c). Lead and backup counsel are registered practitioners, Mr. Rakoczy is an experienced litigating attorney, and Mr. Rakoczy has an established familiarity with the subject matter at issue in the proceeding.

### **IV. CONCLUSION.**

For the foregoing reasons, Petitioner Lupin Limited respectfully requests that the Board admit William A. Rakoczy *pro hac vice* in this proceeding.

IPR2015-01030  
Patent No. 8,518,987 B2

Respectfully submitted,

Dated: April 30, 2015

/s/ Deanne M. Mazzochi

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