

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Mylan Pharmaceuticals Inc., Petitioner

v.

Nissan Chemical Industries Ltd.
Patent Owner

U.S. Patent No. 5,856,336 to Fujikawa *et al.*
Issue Date: January 5, 1999
Title: Quinoline Type Mevalonolactones

Inter Partes Review No.: IPR2015-01069

**MYLAN PHARMACEUTICALS INC.'S MOTION
FOR *PRO HAC VICE* ADMISSION OF THOMAS R. BURNS**

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board
U.S. Patent and Trademark
Office P.O. Box 1450
Alexandria, VA 22313-1450

I. STATEMENT OF PRECISE RELIEF REQUESTED.

Pursuant to 37 C.F.R. § 42.10 and in accordance with “Order—Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, dated October 15, 2013, Petitioner, Mylan Pharmaceuticals Inc. (“Mylan”), respectfully requests that the Board admit Thomas R. Burns *pro hac vice* in this proceeding.

II. STATEMENT OF MATERIAL 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. More specifically, “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 herein, supported by the attached Declaration of Thomas R. Burns in Support of Mylan Pharmaceuticals Inc.’s Motion for *Pro Hac Vice* Admission (Exhibit 1044) (“Burns Decl.”), establish good cause for the Board to recognize Thomas R. Burns *pro hac vice* during this proceeding.

Lead counsel, Jitendra Malik, is a registered practitioner, having USPTO Registration No. 55,823.

Thomas R. Burns is an experienced patent litigator and has an established familiarity with the subject matter at issue in this proceeding. (Burns Decl. ¶¶ 1-2, 9). Mr. Burns is a litigation attorney, with more than nine (9) years of patent litigation experience. (*Id.* ¶ 2). He is a member in good standing with the Bar of the State of New York. (*Id.* ¶ 3). He has never been suspended, disbarred, sanctioned, denied admission to practice or cited for contempt by any court or administrative body. (*Id.* ¶¶ 4-6). Mr. Burns is familiar with the subject matter at issue in this proceeding, and is actively involved in all aspects of the pending district court litigation, which involves the same patent at issue in this proceeding. (*Id.* ¶ 9).

Mr. Burns further satisfies the remaining conditions for admissibility identified by the Board. (Burns Decl. ¶¶ 7-8).

III. CONCLUSION.

For the foregoing reasons, Mylan respectfully requests that the Board admit Thomas R. Burns *pro hac vice* in this proceeding.

Respectfully submitted,

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/Jitendra Malik/
Jitendra Malik, Reg. No. 55,823
Attorney for Petitioner

Date: August 21, 2015
ALSTON & BIRD LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of August, 2015 a copy of this Motion for *Pro Hac Vice* Admission of Thomas R. Burns is being served electronically (by consent of the Patent Owner) on the following e-mail addresses for counsel for Patent Owner:

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