

Paper No. ____
Filed: August 27, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS IV LLC

Petitioner

v.

PHARMACYCLICS LLC

Patent Owner

Case IPR2015-01076
Patent No. 8,754,090

**PATENT OWNER'S UNOPPOSED MOTION FOR WITHDRAWAL AND
SUBSTITUTION OF COUNSEL**

PATENT OWNER'S UPDATED EXHIBIT LIST

Pharmacyclics Exhibit No.	DESCRIPTION
2001	FDA Press Release, "FDA Approves Imbruvica For Rare Blood Cancer" (Nov. 13, 2013), <i>available at</i> http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm374761.htm
2002	Howard, O., "Mantle Cell Lymphoma." <i>Malignant Lymphomas</i> Ed. Grossbard, ML London: BC Decker Inc. 2002 135-51)
2003	Wang, M., et al., Targeting BTK with Ibrutinib in Relapsed or Refractory Mantle-Cell Lymphoma, 369 N. Eng. J. Med. 507 (2013)
2004	European Medicines Agency, "Assessment Report for Torisel" (August 25, 2009), <i>available at</i> http://www.ema.europa.eu/docs/en_GB/document_library/EPAR_-_Assessment_Report_-_Variation/human/000799/WC500039918.pdf
2005	Ohio State University Medical Center. "Drug shows surprising efficacy as treatment for chronic leukemia, mantle cell lymphoma." ScienceDaily (June 19, 2013) <i>available at</i> www.sciencedaily.com/releases/2013/06/130619195217.htm .
2006	Johnson & Johnson Press Release, "Ibrutinib Receives Two Oncology Breakthrough Therapy Designations from U.S. Food and Drug Administration" (Feb. 12, 2013), <i>available at</i> http://www.jnj.com/news/all/ibrutinib-receives-two-oncology-breakthrough-therapy-designations-from-us-food-and-drug-administration
2007	S. 3187 Prescription Drug User Fee Amendments of 2012
2008	Office Action, Non-Final Rejection (March 13, 2013), U.S. Patent App. No. 13/340,522
2009	Notice of Allowability (March 31, 2014), U.S. Patent App. No. 13/340,522
2010	Chang, B.Y., et al "Egress of CD191CD51 cells into peripheral blood following treatment with the Bruton tyrosine kinase inhibitor ibrutinib in mantle cell lymphoma patients" <i>Blood</i> , 122(14): 2412-2424
2011	Schlette, E., et al, "CD23 Expression in Mantle Cell Lymphoma: Clinicopathologic Features of 18 Cases" <i>Am J. Clin. Pathol.</i> 2003;120:760-766

Pharmacyclics Exhibit No.	DESCRIPTION
2012	Form ADV Brochure of Hayman Capital Management L.P. (Mar. 30, 2015)
2013	Form ADV of Hayman Capital Management L.P. (Mar. 30, 2015)
2014	Delaware Certificates of Formation for Coalition for Affordable Drugs (ADROCA) LLC and Coalition for Affordable Drugs II LLC through XV
2015	Request for Continued Examination and Information Disclosure Statement (January 31, 2014), U.S. Patent App. No. 13/340,522
2016	Argyriou, A.A., et al., “Bortezomib–induced peripheral neurotoxicity: an update,” <i>Arch Toxicol</i> (2014) 88:1669–1679
2017	PRNewswire, “Pharmacyclics Reports Fourth Quarter and Full Year 2014 Financial Results and Provides Business Updates” (Feb. 18, 2015), available at http://www.prnewswire.com/news-releases/pharmacyclics-reports-fourth-quarter-and-full-year-2014-financial-results-and-provides-business-updates-300038067.html
2018	Highlights of Prescribing Information: Imbruvica (ibrutinib), <i>available at</i> http://www.accessdata.fda.gov/drugsatfda_docs/label/2014/203147s000lbl.pdf
2019	The Wall Street Journal, “New Hedge Fund Strategy: Dispute the Patent, Short the Stock;” (2015) <i>available at</i> http://www.wsj.com/articles/hedge-fund-manager-kyle-bass-challenges-jazz-pharmaceuticals-patent-1428417408 .
2020	Law360, “Shire Drugs Are Next Targets of Hedge Fund’s AIA Reviews;” (2015), <i>available at</i> http://www.law360.com/articles/638836/shire-drugs-are-next-targets-of-hedge-fund-s-aia-reviews .
2021	Hayman Capital Management, L.P. “Statement of J. Kyle Bass Chief Investment Officer, Hayman Capital Management, L.P.,” (2015).
2022	Delaware Department of State: Division of Corporations, “Coalition for Affordable Drugs IV LLC – Entity Details”
2023	IP Watchdog, “Senator Coons – Patents Are about the American Dream;” (2015), <i>available at</i> http://www.ipwatchdog.com/2015/03/05/senator-coons-patents-

Pharmacyclics Exhibit No.	DESCRIPTION
	are-about-the-american-dream/id=55442/.
2024	Pharma: The Catalyst, “What They Are Saying: Close Patent Loopholes That Threaten Innovation for Patients;” (2015), available at http://catalyst.phrma.org/what-they-are-saying-close-patent-loopholes-that-threaten-innovation-for-patients .
2025	Affidavit of Lauren M. Nowierski
2026	Email from Patent Trial and Appeal Board Authorizing Patent Owner's Motion to Withdraw and Substitute Counsel (Aug. 26, 2015)

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(e) and the Patent Trial and Appeal Board's August 26, 2015 email authorizing this motion (Ex. 2026), Patent Owner Pharmacyclics LLC respectfully requests that the Board authorize withdrawal of its current counsel, John M. Desmarais, Kevin K. McNish, and Lauren M. Nowierski (admitted *pro hac vice*), and authorize designation of Steven P. O'Connor and M. Paul Barker as Patent Owner's lead and back-up counsel.

II. REASONS FOR REQUESTED RELIEF

Patent Owner appointed John M. Desmarais and Kevin K. McNish on May 11, 2015, and Lauren M. Nowierski on July 29, 2015, as its attorneys in this *inter partes* review. Patent Owner now requests that its currently designated counsel be allowed to withdraw from the proceeding, and its new counsel, Steven P. O'Connor (Reg. No. 41,225) and M. Paul Barker (Reg. No. 32,013), be designated as lead and back-up counsel, respectively, to represent Patent Owner in this proceeding. Patent Owner is filing a substitute power of attorney for Patent Owner's new counsel contemporaneously with this Motion.

At this time, good cause exists for withdrawal. Patent Owner desires representation by its new counsel. As registered practitioners, Patent Owner's new counsel meets the requirements of 37 C.F.R. § 42.10(c). In addition, Patent Owner's new counsel is prepared to take over representation of Patent Owner in

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