

Paper No. \_\_\_\_\_  
Filed: November 30, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COALITION FOR AFFORDABLE DRUGS VI LLC

Petitioner,

v.

CELGENE CORPORATION

Patent Owner

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Case IPR2015-01096

Patent No. 6,315,720

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**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*  
ADMISSION OF PAUL J. SKIERMONT AS BACK-UP COUNSEL**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Coalition for Affordable Drugs VI LLC (“CFAD”) hereby respectfully requests that the Board grant admission *pro hac vice* to Mr. Paul J. Skiermont to act as back-up counsel in this proceeding.

## **I. Introduction and Background**

Counsel for CFAD consulted with counsel for Patent Owner, Celgene Corporation (“Celgene”), and Celgene agreed it would not oppose the present motion for *pro hac vice* admission of Mr. Skiermont.

On October 27, 2015, the Patent Trial and Appeal Board (the “Board”) instituted *inter partes* review of Celgene’s U.S. Patent No. 6,315,720. (See Paper 21.) The Board had previously authorized the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). (See Paper 3 at 2.) Therefore, the present motion is proper at this time.

## **II. Statement of Facts Showing Good Cause for the Present Motion**

37 C.F.R. § 42.10(c) states that:

“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.”

As explained and attested to in the accompanying Declaration of Paul J. Skiermont, Mr. Skiermont has an established familiarity of the subject matter at issue in this *inter partes* review. (Ex. 1069 ¶¶ 11-18.) Mr. Skiermont is an experienced patent litigation attorney with specific experience serving as lead or co-lead trial counsel in cases related to pharmaceutical patents, and has received awards and recognition related to this work. (*Id.* ¶¶ 9–10.)

Mr. Skiermont is a Member in good standing with the Illinois (2002) and Texas (2002) State Bars and is admitted to practice in numerous Federal Courts, including the U.S. Courts of Appeals for the Federal and Eighth Circuits; the U.S. District Courts for the Northern, Eastern, and Western District of Texas; the U.S. District Court for the Northern District of Illinois; the U.S. District Court for the District of Nebraska; the U.S. District Court for the District of Colorado; the U.S. District Court for the Eastern District of Michigan; the U.S. District Court for the Southern District of Ohio; and the U.S. District Court for the Northern District of New York. (*Id.* ¶ 1.)

Mr. Skiermont has applied to appear *pro hac vice* before the Office in one other proceeding within the last three years. (*Id.* ¶ 2.) On March 3, 2015, Mr. Skiermont applied to appear *pro hac vice* in IPR2015-00720, and that application was granted on August 21, 2015 (*see* IPR2015-00720, Paper 13). (Ex. 1069 ¶ 2.) Concurrently with this motion, Petitioner is also filing motions for *pro hac vice*

admission for Mr. Skiermont in IPR2015-01092, IPR2015-01102, and IPR2015-01103.

Mr. Skiermont has never been disbarred or suspended from practice before any court or administrative body. (*Id.* ¶ 3.)

Mr. Skiermont has never had any sanctions or contempt citations imposed on him from any court or administrative body. (*Id.* ¶ 4.)

Mr. Skiermont has never been denied any application for admission to practice before any court or administrative body. (*Id.* ¶ 5.)

CFAD's lead counsel for this proceeding, Ms. Sarah Spires, is a registered patent practitioner. (*Id.* ¶ 8.)

Mr. Skiermont has established deep familiarity with the subject matter at issue in this proceeding. (*Id.* ¶¶ 11–18.) Mr. Skiermont analyzed Celgene's REMS-related programs in district court patent litigation against Celgene and gained familiarity with and an understanding of the claimed technology at issue in this proceeding in connection with that litigation. (*Id.* ¶ 11.) Mr. Skiermont has read and analyzed the Petition and supporting materials, and has read and analyzed U.S. Patent No. 6,315,720 ('720 Patent) as well as its prosecution history. (*Id.* ¶¶ 12–13.) Mr. Skiermont is the attorney from Skiermont Puckett LLP that led and attended all meetings between his firm and CFAD related to the Petition at issue in this proceeding (*id.* ¶ 14), is the attorney from Skiermont Puckett LLP that

conducted his firm's analysis of the Grounds for invalidity under 35 U.S.C. §§ 102 and 103 for the Petition (*id.* ¶ 15), is the sole attorney from Skiermont Puckett LLP that directs and supervises the work conducted by the lead and back-up counsel to the Petition, all of whom are registered patent practitioners (*id.* ¶ 16), and is the attorney that retained and worked with the expert witness (Jeffrey Fudin, R.Ph., B.S., Pharm.D., DAAPM, FCCP, FASHP) that submitted a declaration in support of the Petition (*id.* ¶ 17).

Mr. Skiermont has also reviewed and analyzed the patent and file history of U.S Patent No. 6,045,501 ('501 Patent), which shares a common owner and shares subject matter similar to the '720 Patent. (*Id.* ¶ 18.) CFAD filed an IPR Petition challenging the '501 Patent (*see* IPR2015-01092). (*Id.*) Mr. Skiermont personally supervised, reviewed and participated in drafting the '501 IPR Petition, and has read and analyzed the prior art references in the '501 IPR Petition. (*Id.*)

Finally, Mr. Skiermont has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42 *et. seq.*, and has agreed to be subject to the USPTO Rules of Professional Responsibility set forth in 37 C.F.R. 11.101 *et. seq.*, and disciplinary jurisdiction under 37 C.F.R. 11.19(a). (*Id.* ¶¶ 6–7.)

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