

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
WOCKHARDT BIO AG,
TEVA PHARMACEUTICALS USA, INC.,
AUROBINDO PHARMA U.S.A., INC.,
Petitioners,

v.

ASTRAZENECA AB,
Patent Owner.

Case: IPR2015-01340¹
U.S. Patent No. RE44,186

**ASTRAZENECA'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION OF DANIEL M. SILVER
UNDER 37 C.F.R. § 42.10(c)**

¹ Petitioner Wockhardt from IPR2016-01029, Petitioner Teva from IPR2016-01122, and Petitioner Aurobindo from IPR2016-01117 have been added as Petitioners to this proceeding.

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c) authorizing motions for *pro hac vice* admission of back-up counsel, Patent Owner AstraZeneca AB requests that the Patent Trial and Appeal Board (the “Board”) admit Daniel M. Silver *pro hac vice* in this proceeding, IPR2015-01340, for the limited purpose of taking a deposition in this proceeding.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE BACK-UP COUNSEL *PRO HAC VICE* DURING THE PROCEEDING

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* subject to the condition that lead counsel be a registered practitioner and to any other conditions that the Board may impose. Section 42.10(c) provides that “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.” *See also Unified Patents v. Parallel Iron*, IPR2013-00639, Paper 7 (Oct. 15, 2013). The following facts establish good cause for the Board to recognize Daniel M. Silver *pro hac vice* in this proceeding:

1. As a partner at McCarter & English, Mr. Silver is an experienced litigator, and has established familiarity with the subject matter at issue in this

proceeding from his participation in co-pending litigation involving the subject patent. Specifically, U.S. Patent No. RE44,186 is currently asserted by Patent Owner AstraZeneca AB in co-pending litigation, in the District of Delaware, *AstraZeneca AB v. Aurobindo Pharma Ltd., et al.*, 14-cv-00664 (D. Del. 2014) (“the co-pending litigation”). Mr. Silver is a member of the Delaware Bar in good standing, has been representing the Patent Owner in the co-pending litigation and has been actively involved in the case. Mr. Silver has not applied to appear *pro hac vice* in any other Board, or United States Patent and Trademark Office (“USPTO”) proceeding, over the last three years.

2. As part of his participation in co-pending litigation involving the subject patent, Mr. Silver has become intimately familiar with the financial-related issues in this proceeding. In fact, Mr. Silver directed and cross-examined the financial experts during the September trial of the co-pending litigation. Patent Owner wishes to apply Mr. Silver’s knowledge as counsel in the deposition of Petitioners’ financial expert in this proceeding. Admission of Mr. Silver *pro hac vice* will enable Patent Owner to avoid unnecessary expense and duplication of work between this proceeding and the co-pending litigation.

3. Patent Owner’s lead counsel, Charlie Lipsey, is a registered practitioner and Mr. Silver is an experienced litigation attorney having established familiarity with the subject matter at issue in this proceeding. Therefore, Patent

Owner respectfully submits that there is good cause for the Board to recognize Mr. Silver as counsel *pro hac vice* during this proceeding.

4. This Motion for *Pro Hac Vice* Admission is supported by a Declaration of Mr. Silver (Exhibit 2216).

5. Counsel for Petitioners do not oppose Mr. Silver appearing *pro hac vice* during this proceeding for the limited purpose of taking a deposition.

III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Daniel M. Silver *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: November 16, 2016

By: / Anthony A. Hartmann /

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IPR2015-01340*

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing **ASTRAZENECA'S UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION OF DANIEL M. SILVER UNDER 37 C.F.R. § 42.10(c) and AstraZeneca Exhibit 2216** were served electronically via e-mail on November 16, 2016, in its entirety to the following:

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