

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ASTRAZENECA AB,  
Patent Owner.

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Case: IPR2015-01340<sup>1</sup>  
U.S. Patent No. RE44,186

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**ASTRAZENECA'S UNOPPOSED MOTION FOR  
*PRO HAC VICE* ADMISSION OF NICOLE A. CONLON, PH.D.  
UNDER 37 C.F.R. § 42.10(c)**

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<sup>1</sup> 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 Nicole A. Conlon, Ph.D., *pro hac vice* in this proceeding, IPR2015-01340, for the limited purpose of taking an expert 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 Nicole A. Conlon, Ph.D., *pro hac vice* in this proceeding:

1. As an associate with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, Dr. Conlon is an experienced litigator, and has established

familiarity with the subject matter at issue in this proceeding from her 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”). Dr. Conlon is a member of the Virginia Bar in good standing, has been representing the Patent Owner in the co-pending litigation and has been actively involved in the case. Dr. Conlon 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 her participation in the co-pending litigation involving the subject patent, Dr. Conlon has become intimately familiar with the clinical issues in this proceeding. She worked with AstraZeneca’s clinical expert, Dr. Lenhard, and second-chaired his deposition. She also second-chaired the deposition of Defendants’ clinical expert, Dr. Tobin, in the co-pending litigation. As Patent Owner’s remaining counsel of record, who are knowledgeable of the clinical issues in the case, are unavailable for the one day that Petitioners’ clinical expert, Dr. Tanenberg, is available for a deposition, Patent Owner wishes to apply Dr. Conlon’s knowledge as counsel in that deposition in this proceeding. Admission of Dr. Conlon *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 Dr. Conlon 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 Dr. Conlon as counsel *pro hac vice* during this proceeding.

4. This Motion for *Pro Hac Vice* Admission is supported by a Declaration of Dr. Conlon (Exhibit 2217).

5. Counsel for Petitioners do not oppose Dr. Conlon appearing *pro hac vice* during this proceeding for the limited purpose of taking a deposition of Petitioners' clinical expert, Dr. Tanenberg.

### III. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Nicole A. Conlon, Ph.D., *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: November 18, 2016

By: /Anthony A. Hartmann/  
Anthony A. Hartmann,  
Reg. No. 43,662  
Finnegan, Henderson, Farabow, Garrett  
& Dunner, L.L.P.  
901 New York Avenue, NW  
Washington DC 20001  
(202) 408-4000

***Counsel for Patent Owner in  
IPR2015-01340***

**CERTIFICATE OF SERVICE**

The undersigned certifies that copies of the foregoing **PATENT OWNER  
ASTRAZENECA AB'S UNOPPOSED MOTION FOR *PRO HAC VICE*  
ADMISSION OF NICOLE A. CONLON, PH.D. UNDER 37 C.F.R. § 42.10(c)  
and AstraZeneca Exhibit 2217** were served electronically via e-mail on  
November 18, 2016, in its entirety to the following:  
Counsel for Petitioner Mylan Pharmaceuticals Inc.:

Steven W. Parmelee  
[sparmelee@wsgr.com](mailto:sparmelee@wsgr.com)

Richard Torczon  
[rtorczon@wsgr.com](mailto:rtorczon@wsgr.com)

Jad A. Mills  
[jmills@wsgr.com](mailto:jmills@wsgr.com)

Douglas H. Carsten  
[dcarsten@wsgr.com](mailto:dcarsten@wsgr.com)

Counsel for Petitioner Wockhardt BIO AG.:

Patrick Gallagher  
[PCGallagher@duanemorris.com](mailto:PCGallagher@duanemorris.com)

Counsel for Petitioner Teva Pharmaceuticals U.S.A., Inc.:

Gary Speier  
[gspeier@carlsoncaspers.com](mailto:gspeier@carlsoncaspers.com)

Iain McIntyre  
[incintyre@carlsoncaspers.com](mailto:incintyre@carlsoncaspers.com)

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