

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COALITION FOR AFFORDABLE DRUGS X LLC,
Petitioner,

v.

ANACOR PHARMACEUTICALS, INC.,
Patent Owner.

Case No. IPR2015-01776

Patent No. 7,582,621

**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF
JEFFREY B. ELIKAN UNDER 37 C.F.R. § 42.10**

I. Relief Requested

Pursuant to 37 C.F.R. § 42.10, and in accordance with the Board's Order, Paper No. 7 in Case IPR2013-00639, and the Notice of Filing Date Accorded to Petition (Paper No. 4), Patent Owner requests that the Board admit Jeffrey B. Elikan *pro hac vice* in this proceeding.

II. Statement of Facts

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. The facts, supported by the attached Declaration of Jeffrey B. Elikan in Support of Patent Owner's Motion for Admission *Pro Hac Vice* (“Elikan Declaration”), establish good cause to admit Mr. Elikan *pro hac vice* in this proceeding.

1. Lead counsel, Andrea G. Reister, is a registered practitioner.
2. Counsel, Jeffrey B. Elikan, is an experienced litigating attorney in his twenty-fifth year of law practice. Elikan Decl. at ¶ 9. Mr. Elikan has been

litigating patent cases since approximately 1997 and has served as trial counsel in over thirty patent infringement cases. *Id.* Mr. Elikan is a member in good standing of the New York State Bar and the District of Columbia Bar. *Id.* at ¶ 2. He is also admitted to practice in the United States Court of Appeals for the Federal Circuit, the United States District Court for the District of Maryland, the United States District Court for Southern District of New York, and the United States District Court of the Eastern District of New York. *Id.*

3. Mr. Elikan has familiarity with the subject matter and patent at issue in this proceeding, U.S. Patent No. 7,582,621 (“the ’621 Patent”), including its prosecution history, the related U.S. Patent No. 7,767,657, and the scientific field to which the ’621 Patent is addressed. *Id.* at ¶ 10. Mr. Elikan has worked with Anacor Pharmaceuticals, Inc., the Patent Owner in this proceeding, and lead counsel to develop the responses to Petitioner’s invalidity challenges. *Id.* Specifically, Mr. Elikan was involved with retaining experts and working with those experts, whose declarations support the Patent Owner Response. *Id.* Mr. Elikan was also involved in developing the strategy relating to Anacor’s Patent Owner Response. *Id.* All of the above activities required developing a thorough understanding of the patent at issue in this proceeding, the prior art, and the relevant scientific field. *Id.*

4. Mr. Elikan has read and will comply with the Office Patent Trial Guide and the Board's Rules for Practice for Trials set forth in Part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.100 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* at ¶¶ 6–7. Mr. Elikan has not previously applied to appear *pro hac vice* in any other proceedings before the Office, although he is contemporaneously submitting *pro hac vice* applications on behalf of Patent Owner in the co-pending proceedings IPR2015-01780 and IPR2015-01785. *Id.* at ¶ 8.

III. Analysis

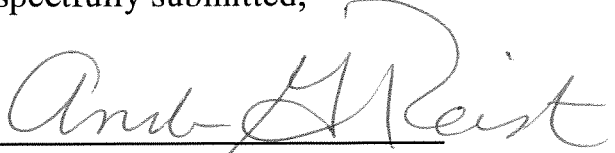
The facts contained in the Statement of Facts above, and contained in the Elikan Declaration, establish that there is good cause to admit Mr. Elikan *pro hac vice* in this proceeding, under 37 C.F.R. § 42.10. Lead counsel is a registered practitioner, Mr. Elikan is an experienced litigating attorney, and Mr. Elikan has an established familiarity with the subject matter at issue in this proceeding.

IV. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Jeffrey B. Elikan *pro hac vice* in this proceeding.

Dated: June 20, 2016

Respectfully submitted,

By 

Andrea G. Reister

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