

Filed On Behalf Of:
Novartis AG

By:
Nicholas N. Kallas
NKallas@fchs.com
ZortressAfinitorIPR@fchs.com
(212) 218-2100

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PAR PHARMACEUTICAL, INC.,

Petitioner,

v.

NOVARTIS AG,

Patent Owner.

Case IPR2016-00084

Patent No. 5,665,772

**PATENT OWNER NOVARTIS'S MOTION FOR *PRO HAC VICE*
ADMISSION OF JARED L. STRINGHAM UNDER 37 C.F.R. § 42.10**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Novartis AG respectfully requests the *pro hac vice* admission of Jared L. Stringham in this proceeding.

This motion is being filed more than twenty one (21) days after service of the Petition. Petitioner has indicated that it does not oppose this motion.

II. THE GOVERNING LAW, RULES, AND PRECEDENT

37 C.F.R. § 42.10(c) concerns motions for *pro hac vice* admission and states as follows:

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 Board has stated that motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the “Order – Authorizing

Motion for *Pro Hac Vice* Admission” entered in Case IPR2013-00639 (Paper 7) (Representative Order).

In that Order, the Board stated that motions for *pro hac vice* admission must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding,” and must “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following:”

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in part 42 of 37 C.F.R.;

- vi. The individual will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a);
- vii. All other proceedings before the Office for which the individual has applied to appear *pro hac vice* in the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the proceeding.

III. STATEMENT OF MATERIAL FACTS

Based on the following facts, which are supported by the Declaration of Mr. Jared L. Stringham (Ex 2189) filed concurrently with this motion, Patent Owner requests that Jared L. Stringham be admitted *pro hac vice* in this proceeding:

1. Patent Owner's lead counsel, Nicholas N. Kallas, is a registered practitioner (Reg. No. 31,530).
2. Mr. Stringham is an associate at the law firm of Fitzpatrick, Cella, Harper & Scinto. (Ex 2189 at ¶ 3.)
3. Mr. Stringham is an experienced patent litigation attorney. Mr. Stringham has been a patent litigation attorney for more than six years and has been litigating patent cases during this entire time period. (*Id.*

at ¶ 4.) He has been involved in numerous cases involving patent validity and infringement in both the District Courts and the Federal Circuit. (*Id.*)

4. Mr. Stringham is a member in good standing of the State Bar of New York. (*Id.* at ¶ 5.)
5. Mr. Stringham has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)
6. No application of Mr. Stringham for admission to practice before any court or administrative body has ever been denied. (*Id.* at ¶ 6.)
7. No sanctions or contempt citations have ever been imposed against Mr. Stringham by any court or administrative body. (*Id.* at ¶ 7.)
8. Mr. Stringham has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R. (*Id.* at ¶ 8.)
9. Mr. Stringham understands that he will be subject to the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* at ¶ 9.)
10. Mr. Stringham has not applied to appear *pro hac vice* in another proceeding before the Office in the last three (3) years. (*Id.* at ¶ 10.)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.