

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDOZ INC.,

Petitioner

v.

ELI LILLY AND COMPANY,

Patent Owner

U.S. Patent 7,772,209 to Niyikiza
Issued Date: Aug. 10, 2010
Title: Antifolate Combination Therapies

Inter Partes Review No. 2016-00318

**PETITIONER'S MOTION TO ADMIT *PRO HAC VICE*
LAURA A. LYDIGSEN AS BACKUP COUNSEL
UNDER 37 C.F.R § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Sandoz Inc. hereby respectfully requests that the Board grant admission *pro hac vice* to Laura A. Lydigsen to act as backup counsel in this proceeding.

A. Statement of Facts

37 C.F.R. § 42.10(c) provides:

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.

In this proceeding, lead counsel is a registered practitioner. In addition, Ms. Lydigsen is an experienced litigating attorney and a shareholder at the law firm of Brinks Gilson & Lione, as noted in the supporting Declaration of Ms. Lydigsen. Ex. 1055, Lydigsen Decl. ¶ 1. A substantial portion of her practice consists of litigating patent cases, including, for example, the matter *Horizon Pharma Ireland Limited et al. v. Actavis Laboratories UT, Inc.*, No. 1:14-cv-7992, in the United States District Court for the District of New Jersey, which involves patents related

to a pharmaceutical product. Ms. Lydigsen is also a member in good standing of the Illinois State Bar and is admitted to practice in numerous federal district and appellate courts. *Id.* ¶ 2.

In addition, Ms. Lydigsen has an established familiarity with the subject matter at issue in the proceeding. She is counsel of record in the co-pending litigation *Eli Lilly & Co. et al. v. Nang Kuang Pharmaceutical Co., Ltd. et al.*, Case. No. 1:14-cv-1647-TWP-DKL (S.D. Ind.) (consolidated) which is related to and involves the same patent at issue in this proceeding. Ex. 1055, Lydigsen Decl. ¶ 9. Ms. Lydigsen has reviewed the patent-at-issue (U.S. Patent No. 7,772,209), the Petition (Paper 2), and all exhibits which accompanied the Petition and is familiar with all relevant facts relating to the references filed in this proceeding. *Id.*

Finally, Ms. Lydigsen has reviewed and agrees to be bound by United States Patent and Trademark Office's Rules of Professional Conduct under 37 C.F.R. § 11.101 *et seq.*; 37 C.F.R. § 11.19(a); and the rules governing this proceeding, including those set forth in the United States Patent and Trademark Office's Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R part 42. *Id.* ¶¶ 6-7.

B. Statement of Relief Requested

For the foregoing reasons, Petitioner respectfully requests that the Board grant admission *pro hac vice* to Ms. Lydigsen.

Respectfully submitted,

Dated: February 25, 2016

/s/ Ralph J. Gabric

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to 37 CFR § 42.6(e)(1), the parties have agreed to electronic service for all filings in this case. Pursuant to that agreement, Petitioner hereby certifies that the foregoing Motion was served via email upon the following parties.

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