

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

GENENTECH, INC. AND CITY OF HOPE,
Patent Owners

Case IPR2016-00710
Patent 6,331,415

**MYLAN PHARMACEUTICAL INC.'S UNOPPOSED
MOTION FOR *PRO HAC VICE* ADMISSION OF
ERIC R. HUNT PURSUANT TO 37 C.F.R. § 42.10(C)**

I. RELIEF REQUESTED.

Pursuant to 37 C.F.R. §42.10(c) and the Board’s “Order Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. §42.10,” in Case IPR2013-00639, Paper 7, entered October 15, 2013, incorporated by Paper 4 in the present case, Petitioner Mylan Pharmaceuticals, Inc. (“Mylan”) requests that the Board admit Eric R. Hunt *pro hac vice* in this proceeding. Counsel for Mylan have met and conferred with counsel for Patent Owner, and Patent Owner does not oppose this motion.

II. STATEMENT OF FACTS.

Pursuant to 37 C.F.R. §42.10(c), 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.

37 C.F.R. §42.10(c). The facts, supported by the attached Declaration of Eric R. Hunt in Support of Motion for Admission *Pro Hac Vice* (Exhibit 1062) (“Hunt Decl.”), establish good cause to admit Mr. Hunt *pro hac vice* in this proceeding.

1. Lead counsel Deanne M. Mazzochi is a registered practitioner before the USPTO.

2. Back-up counsel Paul J. Molino is a registered practitioner before the USPTO.

3. Eric R. Hunt is an experienced litigating attorney. Mr. Hunt has been a litigating attorney nearly 10 years. (Hunt Decl. ¶ 1). Mr. Hunt has been litigating patent cases for nearly 10 years. (*Id.* ¶ 2). Mr. Hunt is a member in good standing of the Illinois State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Third Circuit, and the United States District Court for the Northern District of Illinois. (*Id.* ¶¶ 3-5).

4. Mr. Hunt has familiarity with the subject matter at issue in this proceeding and, more specifically, he is familiar with the patent at issue in this proceeding—U.S. Patent No. 6,331,415 (“the ‘415 patent”). (Hunt Decl. ¶ 6). Mr. Hunt is advising Mylan on patent matters relating to the subject matter claimed in the patent at issue in this proceeding. (*Id.*). Mr. Hunt was involved in the strategy and drafting of Mylan’s Petition for *Inter Partes* Review (the “Petition”) and, as a result, Mr. Hunt has become intimately familiar with the subject matter of the ‘415 patent and the prior art raised in the Petition. (*Id.*).

5. Mr. Hunt has read and will comply with the Office Patent Trial Practice 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 Code of Professional

Responsibility set forth in 37 C.F.R. §§11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (Hunt Decl. ¶¶ 7-8).

6. In the last three (3) years, Mr. Hunt has not applied to appear *pro hac vice* in an *inter partes* review proceeding. (Hunt Decl. ¶ 9).

III. ANALYSIS.

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

IV. CONCLUSION.

For the foregoing reasons, Mylan respectfully requests that the Board admit Eric R. Hunt *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: August 29, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Mylan Pharmaceuticals Inc.'s Unopposed Motion for *Pro Hac Vice* Admission of Eric R. Hunt Pursuant to 37 C.F.R. § 42.10(C) was served on August 29, 2016, via electronic mail by agreement of the parties, on the following counsel of record for Patent Owners:

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