

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
U.S. Patent 6,331,415

**PATENT OWNERS' UNOPPOSED MOTION FOR ADMISSION
PRO HAC VICE OF JOSEPH M. LIPNER**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c), Patent Owners Genentech, Inc. (“Genentech”) and City of Hope request that the Patent Trial and Appeal Board (the “Board”) admit Joseph M. Lipner *pro hac vice* in this proceeding, IPR2016-00710. Petitioner Mylan Pharmaceuticals Inc. has indicated that it does not oppose this motion.

II. Statement of Facts Showing Good Cause for the Board to Recognize 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* 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. Section 42.10(c) indicates that “where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Joseph M. Lipner *pro hac vice* in this proceeding.

1. Lead counsel, David L. Cavanaugh, is a registered practitioner. Backup counsel, Owen K. Allen, Heather M. Petruzzi, Adam R. Brausa, and Jeffrey P. Kushan are also registered practitioners.

2. Counsel, Joseph M. Lipner, is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding. Accompanying this motion as Exhibit 2008 is the Declaration of Joseph M. Lipner in support of this Motion for Admission *Pro Hac Vice* ("Lipner Decl."). In his declaration, Mr. Lipner asserts:

I am a member in good standing of the Bar of the State of California, the Bar of Massachusetts and the Bar of New York. I am also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Federal, Fourth and Ninth Circuits, and the United States District Courts for the Central District of California, Northern District of California, Southern District of California, and the United States District Court for the District of Colorado.

Lipner Decl. ¶ 2 (Ex. 2008). Mr. Lipner also states that he has a long-standing relationship with Patent Owner City of Hope and has worked with Patent Owner Genentech. Lipner Decl. ¶ 11 (Ex. 2008). Mr. Lipner also demonstrates that he has a detailed working knowledge of the relevant subject matter through his participation in prior litigations involving the '415 patent as well as his familiarity with antibody technologies as a result of participation as counsel in prior recombinant antibody-related patent cases. Lipner Decl. ¶¶ 12-13 (Ex. 2008).

Patent Owners' Motion For Admission *Pro Hac Vice* Of Joseph M. Lipner

3. In his declaration, Mr. Lipner also attests to each of the listed items required by the Order – Authorizing Motion for Pro Hac Vice Admission – 37 C.F.R. § 42.10 in IPR2013-00639. *See* Lipner Decl. ¶¶ 1-13 (Ex. 2008). Mr. Lipner attests that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42. *See id.* ¶ 7. Mr. Lipner further attests that he agrees to be subject to the United States Patent and Trademark Office's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *See id.* ¶ 8.

III. Conclusion

For the foregoing reasons, Patent Owners respectfully request that the Board admit Joseph M. Lipner *pro hac vice* in this proceeding.

Respectfully submitted,

Date: December 5, 2016

By: /David L. Cavanaugh/
David L. Cavanaugh
Reg. No. 36,476
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006

PATENT OWNERS' EXHIBIT LIST
IPR2016-00710

2001	Declaration of Robert J. Gunther, Jr. in Support of Motion for Admission <i>Pro Hac Vice</i>
2002	Declaration of Daralyn J. Durie in Support of Motion for Admission <i>Pro Hac Vice</i>
2003	Decision on Institution, IPR2015-01624, Paper No. 15
2004	U.S. Patent No. 3,996,345
2005	European Patent Specification EP 1 532 260 B1
2006	Expert Report of Kathryn Calame, Ph.D., <i>MedImmune Inc. v. Genentech Inc. and City of Hope</i> , Case No. CV03-2567 MRP (CTx) (C.D. Cal.) (Jan. 25, 2008)
2007	Declaration of Timothy John Roy Harris, Reexamination Nos. 90/007,542 and 90/007,859 (Oct. 26, 2006)
2008	Declaration of Joseph M. Lipner in Support of Motion for Admission <i>Pro Hac Vice</i>
2009	Declaration of David I. Gindler in Support of Motion for Admission <i>Pro Hac Vice</i>

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.