

Filed On Behalf Of:

Aventis Pharma S.A.

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN LABORATORIES LIMITED

Petitioner,

v.

AVENTIS PHARMA S.A.

Patent Owner.

Case IPR2016-00712
U.S. Patent No. 8,927,592

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
JOSHUA I. ROTHMAN UNDER 37 C.F.R. § 42.10**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Aventis Pharma S.A. (hereinafter, “Aventis”) respectfully requests the *pro hac vice* admission of Joshua I. Rothman in this proceeding.

This motion is being filed more than twenty one (21) days after service of the Petition. Petitioner does not oppose the 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) should be filed in accordance with the “Order – Authorizing Motion for *Pro Hac Vice* Admission” entered in Case IPR2013-00639 (Paper 7) (Representative Opinion).

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. Joshua I. Rothman (Exh. 2254) filed concurrently with this motion, Patent Owner requests that Joshua I. Rothman be admitted *pro hac vice* in this proceeding:

- 1. Patent Owner's lead counsel, Dominick A. Conde, is a registered practitioner (Reg. No. 33,856).
- 2. Mr. Rothman is a partner at the law firm of Fitzpatrick, Cella, Harper & Scinto. (Exh. 2254 at ¶ 3.)

3. Mr. Rothman is an experienced patent litigation attorney. Mr. Rothman has been a patent litigation attorney for more than 17 years. (*Id.* at ¶ 4.) Mr. Rothman has been litigating patent cases during this entire time period and has been involved in numerous cases involving patent validity and infringement in District Courts across the country as well as at the Federal Circuit. (*Id.*) He has extensive experience in bench trials. (*Id.*)
4. Mr. Rothman is a member in good standing of the bar of the State of New York. He is also admitted to the bars of the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States. (*Id.* at ¶ 5.)
5. Mr. Rothman has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)
6. No application of Mr. Rothman 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. Rothman by any court or administrative body. (*Id.* at ¶ 7.)

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