

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

LUPIN LTD. and LUPIN PHARMACEUTICALS, INC.  
Petitioner,

v.

HORIZON THERAPEUTICS, INC.  
Patent Owner

Case IPR2016-00829  
Patent 9,095,559 B2

**PETITIONER'S MOTION FOR *PRO HAC VICE*  
ADMISSION OF ROBERT V. CERWINSKI**

**Mail Stop PATENT BOARD**  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Petitioners Lupin Ltd. and Lupin Pharmaceuticals, Inc. respectfully request the *pro hac vice* admission of Robert V. Cerwinski in this proceeding, IPR2016-00829, U.S. Patent No. 9,095,559 B2 (“the ’559patent”), pursuant to 37 C.F.R. § 42.10(c). Patent Owner does not oppose this motion.

**I. THE REQUEST IS TIMELY**

As stated in the Board’s April 8, 2016, Notice of Filing Date, any motion for *pro hac vice* admission must be filed in accordance with the guidance specified in the “Order Authorizing Motion for *Pro Hac Vice* Admission,” entered in Case IPR2013-00639 (Paper 7). (“PHV Admission Order”). According to that guidance, *pro hac vice* motions can be filed no sooner than (21) days after service of the Petition. This *pro hac vice* motion is filed more than 21 days after the service of the Petition and is therefore timely.

**II. STATEMENT OF FACTS**

As required by the PHV Admission Order, the following statement of facts shows that there is good cause for the Board to recognize Mr. Cerwinski *pro hac vice*. An affidavit by Mr. Cerwinski, containing the required statements and information, is submitted herewith as Exhibit 1024.

1. Elizabeth J. Holland, lead counsel for Petitioners Lupin Ltd. and Lupin Pharmaceuticals, Inc. in this proceeding, is a registered practitioner holding Registration No. 47,657.

2. Cynthia Lambert Hardman, back-up counsel for Petitioners Lupin Ltd. and Lupin Pharmaceuticals, Inc. in this proceeding, is a registered practitioner holding registration No. 53,179.

3. Mr. Cerwinski is a partner with Goodwin Procter LLP.

4. Mr. Cerwinski is an experienced litigating attorney. Mr. Cerwinski has been litigating patent cases for nearly nineteen years. Mr. Cerwinski has been practicing law since 1997 and has extensive experience litigating patent infringement cases in many different district courts across the United States.

5. Mr. Cerwinski's experience in patent litigation matters includes patent jury trials, including opening statements, closing arguments, presentation of non-expert and expert testimony, arguing Markman hearings, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, inter alia, patent validity and infringement issues. Mr. Cerwinski has also represented clients' appeals before the Court of Appeals for the Federal Circuit resulting from cases tried by Mr. Cerwinski and in other cases.

6. Mr. Cerwinski has an established familiarity with the subject matter at issue in this proceeding. Specifically, Mr. Cerwinski represents that he has

reviewed the Petition and accompanying exhibits filed in this matter and all other papers associated with this proceeding. As part of this proceeding, Mr. Cerwinski has studied the '559 patent. Mr. Cerwinski is also counsel of record in litigation in which the '559 patent, as well as patents related to the '559 patent, and other patents owned by Horizon Therapeutics, Inc. related to methods of using glyceryl tri-[4-phenylbutyrate] to treat subjects with urea cycle disorders are being asserted. *Horizon Therapeutics, Inc. v. Lupin Ltd.*, 1-15-cv-07624, 1-16-cv-04438(D.N.J.) (currently stayed). He therefore has extensive knowledge of the '559 patent and of the cited prior art.

7. Mr. Cerwinski is a member in good standing of the Bar of the State of New York.

8. Mr. Cerwinski has never been suspended or disbarred from practice before any court or administrative body.

9. No application of Mr. Cerwinski for admission to practice before any court or administrative body has ever been denied.

10. No sanctions or contempt citations have been imposed against Mr. Cerwinski by any court or Administrative Body.

11. Mr. Cerwinski 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 42of 37 C.F.R.

12. Mr. Cerwinski understands that he will be subject to the USPTO Code 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).

13. Mr. Cerwinski has applied to appear *pro hac vice* in the following proceedings before the Office in the last three years: IPR2015-01566 (granted), IPR2015-01571 (action terminated before ruling), IPR2015-01572 (action terminated before ruling), IPR2015-01570 (action terminated before ruling), IPR2015-01733 (action terminated before ruling), and IPR2015-01744 (action terminated before ruling), and IPR2016-01614 (pending).

14. This motion was filed no sooner than 21 days after service of the Petition in this proceeding, which occurred on April 1, 2016.

### III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Robert V. Cerwinski *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: December 22, 2016

/Elizabeth J. Holland/  
Elizabeth J. Holland (Reg. No. 47,657)  
Cynthia Lambert Hardman (Reg. No.  
53,179)  
GOODWIN PROCTER LLP  
The New York Times Building  
620 Eighth Avenue  
New York, NY 10018  
(212) 813-8800 (telephone)

# 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.