

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**

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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 42 of 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/
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