

Filed On Behalf Of:

Alkermes Pharma Ireland Limited and
Alkermes Controlled Therapeutics, Inc.

By:

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUYE PHARMA GROUP LTD., LUYE PHARMA (USA) LTD., SHANDONG
LUYE PHARMACEUTICAL CO., LTD., and NANJING LUYE
PHARMACEUTICAL CO., LTD.,

Petitioners,

v.

ALKERMES PHARMA IRELAND LTD and ALKERMES CONTROLLED
THERAPEUTICS, INC.,
Patent Owners.

Case IPR2016-01096
U.S. Patent No. 6,667,061

**PATENT OWNERS' MOTION FOR *PRO HAC VICE* ADMISSION OF
CHRISTINA SCHWARZ UNDER 37 C.F.R. § 42.10**

I. RELIEF

Pursuant to 37 C.F.R. § 42.10(c), Patent Owners Alkermes Pharma Ireland Limited and Alkermes Controlled Therapeutics, Inc. (hereinafter, “Alkermes”) respectfully request the *pro hac vice* admission of Christina Schwarz in this proceeding.

This motion is being filed more than twenty one (21) days after service of the Petition. Petitioners do 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 Christina Schwarz (Exh. 2011) filed concurrently with this motion, Patent Owners request that Christina Schwarz be admitted *pro hac vice* in this proceeding:

1. Patent Owners' lead counsel, Scott K. Reed, is a registered practitioner (Reg. No. 32,433).
2. Ms. Schwarz is a partner at the law firm of Fitzpatrick, Cella, Harper & Scinto. (Exh. 2011 at ¶ 3.)

3. Ms. Schwarz is an experienced patent litigation attorney. Ms. Schwarz has been a patent litigation attorney for more than nine years. (*Id.* at ¶ 4.) Ms. Schwarz 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 and the Federal Circuit. (*Id.*) She has extensive experience in bench trials. (*Id.*)
4. Ms. Schwarz is a member in good standing of the bar of the State of New York and the Province of Ontario. (*Id.* at ¶ 5.)
5. Ms. Schwarz has never been suspended or disbarred from practice before any court or administrative body. (*Id.*)
6. No application of Ms. Schwarz 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 Ms. Schwarz by any court or administrative body. (*Id.* at ¶ 7.)
8. Ms. Schwarz 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. (*Id.* at ¶ 8.)

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