

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS
USA, INC., and AKORN INC.,
Petitioners

v.

ALLERGAN, INC.
Patent Owner

Case IPR2016-01131¹
Patent 8,648,048

**DECLARATION OF JONATHAN SINGER IN SUPPORT OF PATENT
OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION**

¹ Cases IPR2017-00585 and IPR2017-00600 have been joined with this proceeding.

**DECLARATION OF JONATHAN SINGER IN SUPPORT
OF PATENT OWNER'S MOTION FOR *PRO HAC VICE*
ADMISSION**

I, JONATHAN SINGER, hereby declare the following:

1. I am a member in good standing of the state bar of California, as well as numerous United States District Courts, the United States Court of Appeals for the Federal Circuit, and the United States Supreme Court.
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has been imposed against me by any court or administrative body.
5. I have 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 the Code of Federal Regulations.
6. I 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).
7. I am a patent litigation attorney with significant experience representing clients in a more than a dozen United States District Courts. I have

experience in all stages of litigation, from preliminary injunction through trial and appeal, and across a wide range of technologies, including pharmaceutical drugs and formulations, and molecular biology. My biography is attached hereto as Exhibit A.

8. In a related matter involving the '048 patent, I am representing Patent Owner Allergan in consolidated litigation currently pending in the Eastern District of Texas. *See Allergan, Inc. v. Teva Pharmaceuticals USA, Inc. et al.*, No. 2:15-cv-01455 (Lead Case). As a result, I have reviewed the '048 Patent and its relevant file history, and the prior art (including the prior art at issue in this *Inter Partes* Review proceeding). In addition, I have gained significant familiarity with claim construction issues pertaining to the '048 Patent.

9. I have performed a detailed review of the '048 Patent, the parties' submissions in the present *Inter Partes* Review proceeding, and the Board's Decision instituting *Inter Partes* Review of the '048 Patent. Additionally, I have served an essential role in this *Inter Partes* Review proceeding, including working with the present Lead and Backup Counsel to prepare the Patent Owner's Response. Based on the foregoing, I have a detailed understanding of the '048 Patent and the substantive and technical issues involved in this proceeding.

10. I am currently applying for leave to appear pro hac vice before the PTAB in the following related IPR proceedings: (1) IPR2016-01127, (2) IPR2016-

01128, (3) IPR2016-01129, (4) IPR2016-01130, and (5) IPR2016-01132. In the past three years I have applied to appear *pro hac vice* in (1) IPR2016-00172, (2) IPR2016-00188, and (3) IPR2016-00189.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

Date: May 2, 2017

/Jonathan Singer/

Jonathan Singer
Fish & Richardson P.C.
12390 El Camino Real
San Diego, CA 92130
Tel: (858) 678-5634
Email: singer@fr.com

EXHIBIT A

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