

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS USA,  
INC. and AKORN INC.,<sup>1</sup>  
Petitioners,

v.

ALLERGAN, INC.  
Patent Owner.

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Case IPR2016-01127 (US 8,685,930 B2)  
Case IPR2016-01128 (US 8,629,111 B2)  
Case IPR2016-01129 (US 8,642,556 B2)  
Case IPR2016-01130 (US 8,633,162 B2)  
Case IPR2016-01131 (US 8,648,048 B2)  
Case IPR2016-01132 (US 9,248,191 B2)

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**PETITIONER MYLAN PHARMACEUTICALS INC.'S MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37 C.F.R. § 42.10(c)**

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<sup>1</sup> Cases IPR2017-00576 and IPR2017-00594, IPR2017-00578 and IPR2017-00596, IPR2017-00579 and IPR2017-00598, IPR2017-00583 and IPR2017-00599, IPR2017-00585 and IPR2017-00600, and IPR2017-00586 and IPR2017-00601, have respectively been joined with the captioned proceedings. The word-for-word identical paper is filed in each proceeding identified in the caption pursuant to the Board's Scheduling Order (Paper 10).

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Mylan Pharmaceuticals Inc. (“Petitioner”) respectfully requests that the Board recognize Anna G. Phillips as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Anna G. Phillips due to her experience in life sciences-related patent matters and particularly due to her familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 4).

## **I. STATEMENT OF FACTS**

Ms. Phillips is a patent litigation attorney with experience representing clients in multiple jurisdictions, including United States District Courts and the Federal Circuit Court of Appeals. Ms. Phillips has experience in all stages of litigation, from preliminary injunction through trial and appeal, and across a wide range of technologies, including pharmaceutical drugs, formulations, and dosages. Petitioner provides Ms. Phillips’ pertinent biographical background appended hereto in further support of this motion.

Ms. Phillips also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding. In

a related matter involving the Patents-at-Issue,<sup>2</sup> Ms. Phillips represents Petitioner 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-WJB (lead case). In addition, Ms. Phillips has been involved in numerous patent cases in United States District Courts involving pharmaceutical patents.

Ms. Phillips has also performed a detailed review of the Patents-at-Issue, the parties' submissions in the present *Inter Partes* Review proceeding, and the Board's Decision instituting *Inter Partes* review of the Patents-at-Issue.

Additionally, Ms. Phillips has served an essential role in this *Inter Partes* Review proceeding, including working with the present Lead Counsel to prepare Petitioner's Reply. Ms. Phillips thus has a detailed understanding of the Patents-at-Issue and the substantive and technical issues involved in this proceeding.

Through Ms. Phillips representation in these and related matters, Petitioner has developed a particular relationship with Ms. Phillips, which Petitioner desires to continue with Ms. Phillips for the purpose of this IPR proceeding. Accordingly, Petitioner respectfully requests that the Board grant this Motion.

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<sup>2</sup> The "Patents-at-Issue" are U.S. Patent Nos. 8,685,930 B2; 8,629,111 B2; 8,642,556 B2; 8,633,162 B2; 8,648,048 B2; 9,248,191 B2.

## II. DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Anna G. Phillips (Ex. 1133). In her declaration, Ms. Phillips attests to each of the listed items required by the Order Authorizing Motion for *Pro Hac Vice* Admission in *Unified Patents Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7.

## III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Board admit Anna G. Phillips as counsel *Pro Hac Vice* in this proceeding.

Respectfully submitted,

Date: July 7, 2017

/ Steven W. Parmelee /  
Steven W. Parmelee, Lead Counsel  
Reg. No. 31,990

## LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 8,685,930 to Acheampong <i>et al.</i>
1002	Declaration of Dr. Mansoor Amiji
1003	<i>Curriculum Vitae</i> of Dr. Mansoor Amiji
1004	File history of U.S. Patent No. 8,685,930 to Acheampong <i>et al.</i>
1005	File history of U.S. Patent Application No. 10/927,857, filed on August 27, 2010 to Acheampong <i>et al.</i>
1006	U.S. Patent No. 5,474,979 to Ding <i>et al.</i> , filed May 17, 1994
1007	K. Sall, <i>et al.</i> , <i>Two Multicenter, Randomized Studies of the Efficacy and Safety of Cyclosporine Ophthalmic Emulsion in Moderate to Severe Dry Eye Disease</i> , 107 OPTHALMOLOGY 631 (2000)
1008	A. Acheampong <i>et al.</i> , <i>Cyclosporine distribution into the conjunctiva, cornea, lacrimal gland, and systemic blood following topical dosing of cyclosporine to rabbit, dog, and human eyes</i> , 2 LACRIMAL GLAND, TEAR FILM, AND DRY EYE SYNDROMES 1001 (1998)
1009	U.S. Patent No. 5,578,586 to Glonek <i>et al.</i> , filed February 4, 1994
1010	U.S. Patent No. 5,981,607 to Ding <i>et al.</i> , filed January 20, 1998
1011	R. Kaswan, <i>Intraocular Penetration of Topically Applied Cyclosporine</i> 20 TRANSPL. PROC. 650 (1988)
1012	K. Kunert <i>et al.</i> , <i>Analysis of Topical Cyclosporine Treatment of Patients with Dry Eye Syndrome</i> 118 ARCH OPHTHALMOL 1489 (2000)
1013	Physicians' Desk Reference for Ophthalmic Medicines (1999)

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