

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

MYLAN PHARMACEUTICALS INC., TEVA PHARMACEUTICALS USA,
INC., and AKORN INC.,¹
Petitioners,

v.

ALLERGAN, INC.,
Patent Owner.

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

**DECLARATION OF MICHAEL W. SHORE IN SUPPORT OF
PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
MICHAEL W. SHORE UNDER 37 C.F.R. § 42.10(c)**

¹ 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).

I, Michael W. Shore, declare as follows:

1. I am more than twenty-one years of age, competent to present this affidavit, and have personal knowledge of the facts set forth herein.

2. This affidavit is given in support of Patent Owner's Motion for *Pro Hac Vice* Admission of Michael W. Shore.

3. I am a partner at the law firm of Shore Chan DePumpo LLP.

4. I have been practicing law since 1990 and have extensive experience litigating patent infringement cases in many different courts across the United States.

5. I have been litigating patent cases for nineteen years.

6. My experience in patent litigation matters includes being lead counsel in trial, arguing multiple *Markman* hearings, and many other patent-related hearings concerning various issues, such as validity and infringement.

I am a member in good standing of the Bar of Texas (admitted 1990), as well as the following Federal Courts: U.S. District Court for the Eastern District of Texas, U.S. District Court for the Northern District of Texas, U.S. District Court for the Southern District of Texas, U.S. District Court for the Western District of Texas, U.S. District Court for New Mexico, Fifth Circuit Court of Appeals, United States Court of Appeals for the Federal Circuit, U.S. District Court for the Eastern District of Arkansas, U.S. District Court for the Western District of Arkansas, U.S. District Court for the Central District of California, U.S. District Court for

the Southern District of California, U.S. District Court for the Northern District of California, U.S. District Court for the District of Delaware, U.S. District Court for the Northern District of Florida, U.S. District Court for the District of Massachusetts, U.S. District Court for the Southern District of New York and U.S. District Court for the Northern District of New York.

7. I have never been suspended or disbarred from practice before any court or administrative body.

8. No court or administrative body has ever denied my application for admission to practice before it.

9. No court or administrative body has imposed sanctions or contempt citations related to my conduct in my 26-year legal career other than one instance where I was instructed not to send opposing counsel emails for a limited period during a hotly contested trial due to the Court's belief that prior emails were not professional in tone. I do not believe this instruction qualifies as a "sanction" but include this disclosure nonetheless. If this incident is of concern to the Board, I am willing to provide a copy of the emails and the transcript of the Court's instruction during trial. At the end of the trial, my client was the party awarded fees due to the misconduct of the opposing counsel.

10. 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 37 C.F.R. § 42.

11. I understand that I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 10.20 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

12. I have not applied to appear *pro hac vice* in any other proceedings before the Office in the last three years.

13. I currently represent Patent Owner, Saint Regis Mohawk Tribe, in other patent matters and as a result have specialized knowledge of tribal sovereign immunity, which is a subject matter at issue in this proceeding.

14. I have also represented other sovereigns, such as the University of Florida Research Foundation, Inc., which gives me unique and specialized knowledge concerning the application of tribal sovereign immunity in *inter partes* review.

15. I am familiar with the subject matter of U.S. Patent Nos. 8,685,930, 8,629,111, 8,642,556, 8,633,162, 8,648,048, and 9,248,191 that at issue in this proceeding, including their prosecution histories.

16. I hereby declare that all statements made herein of my own knowledge are true and further that all statements herein are made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: August 29, 2017

By: _____



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