

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 ERIC D. MILLER IN SUPPORT OF PETITIONER
MYLAN PHARMACEUTICAL INC.'S MOTION FOR *PRO HAC VICE*
ADMISSION OF ERIC D. MILLER 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, ERIC D. MILLER, 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 Petitioner's Mylan Pharmaceutical Inc.'s Motion for *Pro Hac Vice* Admission of Eric D. Miller Under 37 C.F.R. § 42.10(c).
3. I am currently a partner and the firmwide chair of the appellate practice at Perkins Coie LLP.
4. I have been practicing law since 2002 and have extensive experience litigating cases involving Indian law. Most recently, in *Lewis v. Clarke*, 137 S. Ct. 1285 (2017), I obtained a unanimous decision establishing that the sovereign immunity of an Indian tribe does not bar damages actions against tribal employees.
5. I received my law degree from the University of Chicago in 1999. After law school, I clerked for the Hon. Laurence Silberman, U.S. Court of Appeals for the District of Columbia Circuit and the Hon. Clarence Thomas, Supreme Court of the United States. After my clerkships, I served for more than five years as an Assistant to the Solicitor General of the United States.
6. I currently represent Petitioner Mylan Pharmaceuticals Inc. I have experience in Indian law and tribal sovereign immunity, which I understand is an issue in these proceedings.

7. I am a member in good standing of the States of California and Washington and the District of Columbia Bar.

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

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

10. No court or administrative body has imposed sanctions or contempt citations on me.

11. 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., Part 42.

12. 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).

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

14. 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.

September 21, 2017

/s/ Eric D. Miller
Eric D. Miller
