

Filed: April 4, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.

Petitioner

v.

JANSSEN ONCOLOGY, INC.

Patent Owner

Case No. IPR2016-01332
U.S. Patent No. 8,822,438

**MOTION FOR *PRO HAC VICE* ADMISSION
OF ROBERT D. SWANSON**

I. Statement of Precise Relief Requested

Mylan Pharmaceuticals Inc. (“Mylan”) hereby respectfully requests that the Patent Trial and Appeal Board (the “Board”) admit Robert D. Swanson, *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c).

Patent Owner has stated it will not oppose this motion.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

Under 37 C.F.R. § 42.10(c), the Board may admit counsel *pro hac vice* for good cause, so long as lead counsel is a registered practitioner and subject to any other conditions the Board requires. Under Section 42.10(c), good cause includes when “counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” This motion satisfies the requirements of Section 42.10(c):

1. Lead counsel, Brandon M. White, is a registered practitioner.
2. Mr. Swanson is an experienced patent litigator and has an established familiarity with the subject matter at issue here, as shown in his accompanying April 4, 2017 Declaration (“Swanson Decl.” (Ex. 1087)), filed currently with this motion. That declaration shows that Mr. Swanson has been a litigator for more than a year in addition to clerking on the United States District Court for the Northern District of California and the United States Court of Appeals for the Federal Circuit. He is a member in good standing of the Bar of the State of

California and admitted to the United States Court of Appeals for the Federal Circuit. Mr. Swanson is also familiar with the subject matter of this case, including U.S. Patent No. 8,822,438 and its prosecution history, the underlying technology, and the prior art cited by the petitioner in this matter. Swanson Decl. ¶¶ 8-9.

3. In his declaration, Mr. Swanson also attests to each of the listed items required by the Order – Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. § 42.10 in IPR2013-00639. See Swanson Decl. ¶¶ 2-13.

III. Conclusion

For the foregoing reasons, Mylan respectfully requests that the Board admit Robert D. Swanson, *pro hac vice* in this proceeding.

Dated: April 4, 2017

/Brandon M. White/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

1. MOTION FOR *PRO HAC VICE* ADMISSION OF ROBERT D. SWANSON, and
2. DECLARATION OF ROBERT D. SWANSON IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION OF ROBERT D. SWANSON

was served electronically via email as follows:

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