

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACRUX DDS PTY LTD., ACRUX LIMITED, and  
ARGENTUM PHARMACEUTICALS LLC,  
Petitioners

v.

KAKEN PHARMACEUTICAL CO., LTD. and  
VALEANT PHARMACEUTICALS INTERNATIONAL, INC.  
Patent Owners.

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Case: IPR2017-00190  
U.S. Patent No. 7,214,506

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**ACRUX'S UNOPPOSED  
MOTION FOR *PRO HAC VICE* ADMISSION OF  
JOSEPH T. JAROS PURSUANT TO 37 C.F.R. § 42.10(C)**

## **I. RELIEF REQUESTED.**

Pursuant to 37 C.F.R. § 42.10(c) authorizing motions for *pro hac vice* admission of back-up counsel, Petitioners Acrux DDS Pty Ltd. and Acrux Limited (“Acrux”) request that the Board admit Joseph T. Jaros *pro hac vice* in this proceeding, IPR2017-00190. Counsel for Acrux have met and conferred with counsel for Patent Owner, and Patent Owner does not oppose this motion.

## **II. STATEMENT OF FACTS.**

Pursuant to 37 C.F.R. § 42.10(c), the Board

may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

37 C.F.R. § 42.10(c). The facts, supported by the attached Declaration of Joseph T. Jaros in Support of Motion for Admission *Pro Hac Vice* (Exhibit A) (“Jaros Decl.”), establish good cause to recognize Mr. Jaros *pro hac vice* in this proceeding.

1. Lead counsel Tara M. Raghavan is a registered practitioner before the USPTO.
2. Back-up counsel Steven J. Birkos is a registered practitioner before the USPTO.

3. Joseph T. Jaros is an experienced litigating attorney. Mr. Jaros has been a litigating attorney for more than 18 years. (Jaros Decl. ¶ 1). Mr. Jaros has been litigating patent cases for over 10 years. (*Id.* ¶ 2). Mr. Jaros is a member in good standing of the Illinois State Bar and Colorado State Bar, with no suspensions or disbarments from practice, nor any application for admission to practice denied, nor any sanctions or contempt citations, and is admitted to practice in the United States Court of Appeals for the Federal Circuit, the United States District Courts for the Northern District of Illinois and the District of Colorado. (*Id.* ¶¶ 3-6).

4. Mr. Jaros has familiarity with the subject matter at issue in this proceeding and, more specifically, he is familiar with the patent at issue in this proceeding—U.S. Patent No. 7,214,506 (“the ‘506 patent”). (Jaros Decl. ¶ 7). Mr. Jaros is currently advising Acrux on patent matters relating to the subject matter claimed in the patent at issue in this proceeding. (*Id.*). Mr. Jaros has become intimately familiar with the subject matter of the ‘506 patent and the prior art raised in the Petition. (*Id.*).

5. Mr. Jaros has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. §11.19(a). (Jaros Decl. ¶¶ 8-9).

### III. ANALYSIS.

The facts contained in the Statement of Facts above, and contained in the Jaros Declaration, establish that there is good cause to admit Mr. Jaros *pro hac vice* in this proceeding under 37 C.F.R. §42.10(c). Lead and backup counsel are registered practitioners, Mr. Jaros is an experienced litigating attorney, and Mr. Jaros has an established familiarity with the subject matter at issue in the proceeding. Admission of Mr. Jaros will further enable Acrux to be effectively and efficiently represented before the Board in this proceeding, and in other matters relating to the same subject areas. Lead and backup counsel will ensure that Mr. Jaros follows the rules as set out by the Board.

### IV. CONCLUSION.

For the foregoing reasons, Acrux respectfully requests that the Board admit Joseph T. Jaros *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: September 25, 2018

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Acrux's Unopposed Motion for *Pro Hac Vice* Admission of Joseph T. Jaros Pursuant to 37 C.F.R. § 42.10(c) was served on September 25, 2018, via electronic mail by agreement of the parties, on the following:

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