

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

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

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

**ACRUX'S UNOPPOSED
MOTION FOR *PRO HAC VICE* ADMISSION OF
WILLIAM A. RAKOCZY 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 William A. Rakoczy *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 William A. Rakoczy in Support of Motion for Admission *Pro Hac Vice* (Exhibit A) (“Rakoczy Decl.”), establish good cause to recognize Mr. Rakoczy *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. William A. Rakoczy is an experienced litigating attorney. Mr. Rakoczy has been a litigating attorney for more than 20 years. (Rakoczy Decl. ¶ 1). Mr. Rakoczy has been litigating patent cases for at least 20 years. (*Id.* ¶ 2). Mr. Rakoczy is a member in good standing of the Illinois 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 Supreme Court of the United States, United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Seventh Circuit, United States Court of Appeals for the District of Columbia Circuit, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the Third Circuit, and the United States District Courts for the Northern District of Illinois, Western District of Wisconsin, District of Columbia, Western District of Michigan, and District of Colorado. (*Id.* ¶¶ 3-5).

4. Mr. Rakoczy 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”). (Rakoczy Decl. ¶ 7). Mr. Rakoczy is currently advising Acrux on patent matters relating to the subject matter claimed in the patent at issue in this proceeding. (*Id.*). Mr. Rakoczy has become intimately familiar with the subject matter of the ‘506 patent and the prior art raised in the Petition. (*Id.*).

5. Mr. Rakoczy 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). (Rakoczy Decl. ¶¶ 8-9).

6. In the last three (3) years, Mr. Rakoczy has applied to appear and has been admitted *pro hac vice* in three *inter partes* review proceedings, *Lupin Limited v. Janssen R&D Ireland*, Case IPR2015-01030, *Novo Nordisk Inc. v. Nextar Therapeutics*, Case IPR2016-01384, and *Mylan Pharmaceuticals Inc. v. Genentech, Inc. & City of Hope*, Case IPR2016-00710. (Rakoczy Decl. ¶ 10).

III. ANALYSIS.

The facts contained in the Statement of Facts above, and contained in the Rakoczy Declaration, establish that there is good cause to admit Mr. Rakoczy *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Lead and backup counsel are registered practitioners, Mr. Rakoczy is an experienced litigating attorney, and Mr. Rakoczy has an established familiarity with the subject matter at issue in the proceeding. Admission of Mr. Rakoczy 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. Rakoczy follows the rules as set out by the Board.

IV. CONCLUSION.

For the foregoing reasons, Acrux respectfully requests that the Board admit William A. Rakoczy *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: September 25, 2018

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