

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALKERMES PHARMA IRELAND LTD.

and ALKERMES, INC.,

Petitioner,

v.

OTSUKA PHARMACEUTICAL CO., LTD.,

Patent Owner

Case: IPR2017-00287

Patent No. 9,125,939 B2

**DECLARATION OF NICHOLAS K. MITROKOSTAS IN SUPPORT OF
PETITIONERS' MOTION FOR *PRO HAC VICE* ADMISSION UNDER 37
C.F.R. § 42.10(c)**

I, Nicholas K. Mitrokostas, declare as follows:

1. I obtained a B.A. from Harvard College in 1999, and a J.D. from Georgetown University Law Center in 2003.

2. I am currently a partner in the law firm of Goodwin Procter LLP, a position which I have held since 2011. In my 12 years of law practice, I have focused primarily on representing clients in patent litigations involving the pharmaceutical and chemical arts in United States district courts and the Court of Appeals for the Federal Circuit. Through this work, I have gained extensive experience as a litigating attorney, particularly in patent cases.

3. I am a member in good standing of the Bars of the Commonwealth of Massachusetts and the State of New York. I am admitted to practice before the United States District Court for the District of Massachusetts. I am also admitted to practice before the United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States.

4. In the past three years, I have successfully applied to appear *pro hac vice* before the Office in the following proceedings: IPR2015-00643, IPR2015-00644, and IPR2015-00830 (all on behalf of Yeda Research and Development Co. Ltd.), and IPR2015-01835 and IPR2015-01836 (both on behalf of The Trustees of the University of Pennsylvania).

5. I have over a decade of experience litigating patent cases involving the chemical and pharmaceutical arts. Below is a brief listing of some of the recent cases I have litigated in this area:

- a. Trial counsel in *Pfizer Inc. et al. v. IVAX Pharmaceuticals Inc.*, Case No. 2:07-cv-00174-DMC-MF (D.N.J.)
- b. Trial counsel in *In Re Bendamustine Consolidated Cases*, Case No. 1:13-cv-02046-GMS (D. Del.)
- c. Trial and appellate counsel in *Teva Pharmaceuticals USA, Inc. et al v. Sandoz, Inc. et al.* , Case No. 1:08-cv-07611-WHP-AJP (S.D.N.Y.)
- d. Trial counsel in *In re Copaxone 40 mg Consolidated Cases*, Case No. 14-cv-01171 – GMS (D.Del.)

6. I have substantial familiarity with the subject matter at issue in this proceeding. I have developed a strong familiarity with U.S. Patent No. 9,125,939, its prosecution history, its general subject matter, and the prior art references relied upon by Petitioners in support of its invalidity grounds in this proceeding. In addition, I have advised and counseled Petitioners regarding these patents. Furthermore, I have thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding.

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

8. I have never had an application for admission to practice before any court or administrative body denied.

9. I have never been subject to any sanction or contempt citation imposed by any court or administrative body.

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 part 42 of 37 C.F.R.

11. I agree to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

12. I declare under penalty of perjury that the foregoing is true and correct. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on: January 26, 2017


Nicholas K. Mitrokostas