

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APOTEX INC. and APOTEX CORP.,

Petitioners,

v.

NOVARTIS AG,

Patent Owner.

Case IPR2017-00854

U.S. Patent No. 9,187,405

**MOTION FOR ADMISSION *PRO HAC VICE* OF
ROBERT W. TRENCHARD**

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. Statement of Precise Relief Requested

Novartis AG (“Novartis”) hereby respectfully requests that the Patent Trial and Appeal Board (the “Board”) admit Robert W. Trenchard *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Good cause exists for the Board to grant Novartis’s motion. Further, Petitioners Apotex Inc. and Apotex Corp. (collectively, “Apotex”) and Novartis have met and conferred, and Apotex does not object to Novartis’s 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 application satisfies the requirements of Section 42.10(c):

1. Lead counsel, Jane M. Love, Ph.D., the undersigned, is a registered practitioner.
2. Mr. Trenchard is an experienced litigator and has an established familiarity with the subject matter at issue here, as shown in his accompanying April 14, 2017 Declaration. (Ex. 2001 (Trenchard Declaration).) That declaration

shows that Mr. Trenchard has been a litigator for 22 years. He is a member in good standing of the New York and New Jersey State Bars, and is also admitted in several federal courts. He is also familiar with the subject matter of this case, including U.S. Pat. No. 9,187,405 (the “’405 patent”), the patent’s prosecution history, the underlying technology, and the prior art cited by the petitioner in this matter. In addition, he represents Novartis in related litigation and has met with ’405 patent inventors and authors of art cited in the Petition. (Ex. 2001 ¶¶ 2-7.)

3. In his declaration, Mr. Trenchard also attests to each of the listed items required by the Order Authorizing Motion for *Pro Hac Vice* Admission in *Unified Patents Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7. (See Ex. 2001.)

III. Conclusion

For the foregoing reasons, Novartis respectfully requests that the Board admit Robert W. Trenchard *pro hac vice* in this proceeding.

Respectfully Submitted,

/Jane M. Love, Ph.D./

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Dated: May 1, 2017

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 4.26, I hereby certify that on May 1, 2017, true and accurate copies of:

- Motion for Admission *Pro Hac Vice* of Robert W. Trenchard;
- Ex. 2001: Declaration of Robert W. Trenchard in Support of Motion for Admission *Pro Hac Vice*; and
- Ex. 2002: Order Admitting Robert W. Trenchard *Pro Hac Vice*, *Torrent Pharm. Ltd. v. Novartis AG*, IPR2014-00784 (Paper 8)

were served via electronic mail, on the following counsel of record for Petitioner:

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