

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTAVIS LLC
Petitioner,

v.

ABRAXIS BIOSCIENCE, LLC
Patent Owner

Case IPR2017-01101

Patent 7,820,788

**PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF ANDREW S. CHALSON AND DANIEL C. WIESNER**

Patent Owner Abraxis Biosciences, LLC (“Abraxis”) hereby moves pursuant to 37 C.F.R. § 42.10(c) and the authorization provided by the Board in Paper No. 3, for the admission *pro hac vice* of Andrew S. Chalson and Daniel C. Wiesner in the present *inter partes* review, such that they may be appointed additional back-up counsel for Patent Owner. Counsel for Abraxis consulted with counsel for Petitioner, Actavis LLC (“Actavis”), and Actavis agreed it would not oppose the present motion for *pro hac vice* admission of Mr. Chalson and Mr. Wiesner.

I. TIME FOR FILING

Pursuant to the authorization provided in Paper No. 3, this motion for *pro hac vice* admission is being filed no sooner than twenty-one (21) days after service of the Petition.

II. STATEMENT OF FACTS

A. Andrew S. Chalson

Mr. Chalson is a member in good standing of the State Bar of New York, and has practiced patent litigation since 2005. Ex. 2064 ¶ 1.

Mr. Chalson has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 2.

Mr. Chalson has never had any application for admission to practice before any court or administrative body denied. *Id.* ¶ 3.

Mr. Chalson has never been the subject of any sanctions or contempt citations imposed by any court or administrative body. *Id.* ¶ 4.

Mr. Chalson has 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 the C.F.R. *Id.* ¶ 5.

Mr. Chalson will be subject to the USPTO Code of Professional Responsibility and disciplinary jurisdiction. *Id.* ¶ 6.

In the past three years, Mr. Chalson has petitioned, and been granted approval, to appear *pro hac vice* before the Patent and Trademark Office in Case Nos. IPR2015-01092, -1096, -1102, and -1103. *Id.* ¶ 7. Mr. Chalson is also applying concurrently for admission in Case Nos. IPR2017-01103 and -1104. *Id.*

Mr. Chalson has an established familiarity with the subject matter at issue in this *inter partes* review. Mr. Chalson is trial counsel for Abraxis in the patent litigation against Actavis concerning the patent challenged in the petition (*Abraxis Bioscience, LLC et al. v. Actavis LLC*, No. 2:16-cv-01925-JMV-MF (D.N.J.)). *Id.* ¶ 8. As such, Mr. Chalson has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this *inter partes* review. *Id.*

B. Daniel C. Wiesner

Mr. Wiesner is a member in good standing of the State Bar of New York, and has practiced patent litigation since 2004. Ex. 2065 ¶ 1.

Mr. Wiesner has never been suspended or disbarred from practice before any court or administrative body. *Id.* ¶ 2.

Mr. Wiesner has never had any application for admission to practice before any court or administrative body denied. *Id.* ¶ 3.

Mr. Wiesner has never been the subject of any sanctions or contempt citations imposed by any court or administrative body. *Id.* ¶ 4.

Mr. Wiesner has 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 the C.F.R. *Id.* ¶ 5.

Mr. Wiesner will be subject to the USPTO Code of Professional Responsibility and disciplinary jurisdiction. *Id.* ¶ 6.

Mr. Wiesner has never before applied to appear *pro hac vice* before the Patent and Trademark Office. Mr. Wiesner is applying concurrently for admission in Case Nos. IPR2017-01103 and -1104. *Id.* ¶ 7.

Mr. Wiesner has an established familiarity with the subject matter at issue in this *inter partes* review. Mr. Wiesner is trial counsel for Abraxis in the patent litigation against Actavis concerning the patent challenged in the petition (*Abraxis Bioscience, LLC et al. v. Actavis LLC*, No. 2:16-cv-01925-JMV-MF (D.N.J.)). *Id.* ¶ 8. As such, Mr. Wiesner has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this *inter partes* review. *Id.*

III. Conclusion

For the foregoing reasons, there is good cause to admit Mr. Chalson and Mr. Wiesner on a *pro hac vice* basis to serve as additional back-up counsel for Abraxis. Accordingly, Patent Owner respectfully requests that this Unopposed Motion for *Pro Hac Vice* Admission be granted.

Date: November 8, 2017

Respectfully submitted,

/ J. Patrick Elsevier, Ph.D. /

J. Patrick Elsevier, Ph.D. (Reg. No. 44,668)

4655 Executive Drive, Suite 1500

San Diego, CA 92121-3134

Tel: (858) 314-1200

Fax: (844) 345-3178

jpelsevier@jonesday.com

Counsel for Patent Holder

Abraxis Bioscience, LLC

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.