

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACTAVIS LLC.  
Petitioner,

v.

ABRAXIS BIOSCIENCE, LLC,  
Patent Owner.

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Case IPR2017-01104  
Patent No. 8,138,229 B2

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**DECLARATION OF CHARLES B. KLEIN IN SUPPORT OF  
MOTION FOR *PRO HAC VICE* ADMISSION**

*Mail Stop PATENT BOARD*  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

IPR2017-01104

Patent No. 8,138,229 B2

Pursuant to 37 C.F.R. § 1.68, I, Charles B. Klein, attest to the following:

1. I am a member in good standing of the District of Columbia and Virginia Bars, as well as the bars of the following Federal and State Courts:
  - a. United States Supreme Court
  - b. United States Court of Appeals for the Federal Circuit
  - c. United States Court of Appeals for the Third Circuit
  - d. United States Court of Appeals for the Fourth Circuit
  - e. United States Court of Appeals for the Seventh Circuit
  - f. United States Court of Appeals for the Ninth Circuit
  - g. United States Court of Appeals for the District of Columbia Circuit
  - h. United States Court of Federal Claims
  - i. United States Court for the District of Arizona
  - j. United States Court for the District of Columbia
  - k. United States Court for the District of Maryland
  - l. United States Court for the Eastern District of Michigan
  - m. United States Court for the Eastern District of Virginia
  - n. United States Court for the Western District of Virginia
  - o. United States Court for the Northern District of California
  - p. United States Court for the Southern District of New York
  - q. United States Court for the Middle District of Georgia

- r. United States Court for the District of Massachusetts
  - s. United States Court for the District of New Jersey
  - t. United States Court for the Middle District of North Carolina
  - u. United States Bankruptcy Court for the Eastern District of Virginia  
Alexandria Division
  - v. Supreme Court for the Commonwealth of Virginia
  - w. Superior Court of the District of Columbia
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. I have never had sanctions or contempt citations imposed by any court or administrative body imposed against me.
5. 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.
6. I will 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).
7. In the last three years, I was admitted *pro hac vice* in IPR2014-01126, Paper 17 (Sept. 29, 2014); IPR2015-00864, Paper 51 (Nov. 5, 2015); IPR2015-

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00865, Paper 51 (Nov. 5, 2015); IPR2017-01115, Paper 12 (July 18, 2017). I have not applied to appear *pro hac vice* in the last three years in any other matter before the Board.

8. I am an experienced litigation attorney and have been involved in numerous patent infringement cases in federal courts across the country. I have 20 years of litigation experience. I have experience in various aspects of patent infringement matters including jury trials and bench trials, *Markman* hearings, and summary judgment hearings. I have argued in multiple patent cases in federal courts. I serve as trial counsel for Petitioner in patent litigation against Patent Owner concerning the patent challenged by the Petition. *See Abraxis Bioscience, LLC et al. v. Actavis LLC*, No. 2:16-cv-01925-JMV-MF (D.N.J.). As a result of my involvement as trial counsel for Petitioner in the co-pending district court litigation over the involved patent, I have obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. I have reviewed the Petition, and the cited materials, and am familiar with the subject matter involved in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Date: November 1, 2017 

Charles B. Klein