

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTAVIS LLC.
Petitioner,

v.

ABRAXIS BIOSCIENCE, LLC,
Patent Owner.

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

**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-

IPR2017-01104

Patent No. 8,138,229 B2

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