

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 KEVIN E. WARNER 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, Kevin E. Warner, attest to the following:

1. I am a member in good standing of the Illinois Bar, as well as the bars of the following Federal Courts:

- a. United States Court of Appeals for the Federal Circuit
- b. United States Court for the Central District of Illinois
- c. United States Court for the Northern District of Illinois
- d. United States Court for the Eastern District of Michigan

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. I have not applied to appear *pro hac vice* in the last three years in any other matter before the Board.


IPR2017-01104

Patent No. 8,138,229 B2

8. I am an experienced litigation attorney and have been involved in numerous patent infringement cases in federal courts across the country. I have 13 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 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



Kevin E. Warner