

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

**PETITIONER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF GEORGE C. LOMBARDI, CHARLES B. KLEIN,
KEVIN E. WARNER, AND
EIMERIC REIG-PLESSIS UNDER 37 C.F.R. § 42.10**

Pursuant to 37 C.F.R. § 42.10(c), and pursuant to the authorization provided by the Board in Paper No. 3 (dated April 12, 2017) (“the Notice”), Petitioner Actavis LLC (“Petitioner” or “Actavis”) submits this motion for George C. Lombardi, Charles B. Klein, Kevin E. Warner, and Eimeric Reig-Plessis to appear *pro hac vice* as backup counsel for Petitioner in this proceeding. Petitioner respectfully requests that the Board recognize Mr. Lombardi, Mr. Klein, Mr. Warner, and Mr. Reig-Plessis as backup counsel *pro hac vice* during this proceeding, and demonstrates good cause for doing so as shown below.

I. TIME FOR FILING

Pursuant to the authorization provided in the Notice, 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. George C. Lombardi

Pursuant to the Notice, the following statement of facts shows that good cause exists for the Board to recognize Mr. Lombardi *pro hac vice*.

Lead counsel for this proceeding, Samuel S. Park, is a registered practitioner (Reg. No. 59,656).

Mr. Lombardi is an experienced litigation attorney with 33 years of litigation experience. Ex. 1029 ¶ 8. He has been involved in numerous patent infringement

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cases in federal district courts across the country. *Id.* He has experience in various aspects of patent infringement matters, including jury and bench trials, *Markman* hearings, and summary judgment hearings. *Id.* He has argued in multiple patent cases in federal courts. *Id.*

Mr. Lombardi is a member in good standing of the Illinois Bar and is admitted to practice before the United States Supreme Court, United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the Seventh Circuit, United States Court for the Northern District of Illinois, United States Court for the Southern District of Illinois, United States Court for the Eastern District of Michigan, United States Court for the Eastern District of Wisconsin, and United States Court for the District of Colorado *Id.* ¶ 1.

Mr. Lombardi has not been suspended or disbarred from practice, has never had any application for admission to practice denied, and has never had any sanctions or contempt citations imposed against him. *Id.* ¶¶ 2-4.

Mr. Lombardi is trial counsel for Petitioner in patent litigation against Patent Owner 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.* at ¶ 8. As a result of Mr. Lombardi's involvement as trial counsel for Petitioner in co-pending district court litigation over the involved patent, Mr. Lombardi has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this

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proceeding. *Id.* Moreover, Mr. Lombardi has reviewed the involved patent, the Petition, the prior art, and all other cited materials. *Id.* Given his extensive patent litigation experience and his familiarity with the instant Petition, the cited materials, and the patented technology, Mr. Lombardi has established familiarity with the subject matter at issue in this proceeding. *Id.*

Mr. Lombardi has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of the C.F.R., and he agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶¶ 5-6.

In the last three years, Mr. Lombardi was admitted *pro hac vice* in IPR2015-00864, Paper 51 (Nov. 5, 2015) and IPR2015-00865, Paper 51 (Nov. 5, 2015). *Id.* ¶ 7. Mr. Lombardi has not applied to appear *pro hac vice* in the last three years in any other matter before the Board. *Id.*

Given that Mr. Lombardi is a trusted advisor to Petitioner on matters involving the litigation of patent disputes and his familiarity with the subject matter at issue in this proceeding, Petitioner respectfully submits that it has shown good cause for the Board to recognize Mr. Lombardi as counsel *pro hac vice* during this proceeding.

B. Charles B. Klein

Pursuant to the Notice, the following statement of facts shows that good cause exists for the Board to recognize Mr. Klein *pro hac vice*.

Lead counsel for this proceeding, Samuel S. Park, is a registered practitioner (Reg. No. 59,656).

Mr. Klein is an experienced litigation attorney with 20 years of litigation experience. Ex. 1030 ¶ 8. He has been involved in numerous patent infringement cases in federal district courts across the country. *Id.* He has experience in various aspects of patent infringement matters, including jury and bench trials, *Markman* hearings, and summary judgment hearings. *Id.* He has argued in multiple patent cases in federal courts. *Id.*

Mr. Klein is a member in good standing of the District of Columbia and Virginia Bars and is admitted to practice before the United States Supreme Court, United States Court of Appeals for the Federal Circuit, United States Court of Appeals for the Third Circuit, United States Court of Appeals for the Fourth Circuit, United States Court of Appeals for the Seventh Circuit, United States Court of Appeals for the Ninth Circuit, United States Court of Appeals for the District of Columbia Circuit, United States Court of Federal Claims, United States Court for the District of Arizona, United States Court for the District of Columbia, United States Court for the District of Maryland, United States Court for the Eastern District

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