

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 8,138,229

**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. IPR2017-01101 and -1103. *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. IPR2017-01101 and -1103. *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. /

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