

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TARO PHARMACEUTICALS U.S.A., INC.,  
Petitioner,

v.

APOTEX TECHNOLOGIES, INC.,  
Patent Owner.

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Case IPR2017-01446  
Patent 7,049,328 B2

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Before LORA M. GREEN, JEFFREY N. FREDMAN, and  
ZHENYU YANG, *Administrative Patent Judges*.

FREDMAN, *Administrative Patent Judge*.

ORDER

Patent Owner's Motion for Admission *Pro Hac Vice* of  
Barry P. Golob

*37 C.F.R. § 42.10*

Patent Owner, Apotex Technologies Inc. (“Apotex”), filed a Motion for Admission *Pro Hac Vice* of Barry P. Golob pursuant to 37 C.F.R. § 42.10(c) in IPR2017-01446 (“Pat. Owner Mot.,” Paper 25), accompanied by a Declaration of Barry P. Golob (Ex. 2038). Patent Owner attests that Petitioner does not oppose the motion. Paper 25, 2.

For the reasons provided below, Patent Owner’s Motion is *granted*.

Pursuant to 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. In its notice authorizing motions for *pro hac vice* admission, the Board requires a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* and an affidavit or declaration of the individual seeking to appear in this proceeding.

In this proceeding, lead counsel for Patent Owner, W. Blake Coblenz, is a registered practitioner. Paper 25, 2. Patent Owner’s motion indicates that there is good cause for the Board to recognize Mr. Golob *pro hac vice* during these proceedings (Pat. Owner Mot. 3–4), and is supported by the declarations of Mr. Golob. Ex. 2038.

In particular, Mr. Golob declares that he has extensive experience litigating patent cases. Ex. 2038 ¶¶ 1, 11. Mr. Golob also declares that he has established familiarity with the subject matter at issue in the instant proceeding, because as “lead counsel in the U.S. District Court litigation before the United States District Court for the Eastern District of Texas Marshall Division civil action no. 2:16-cv-00528-RSP concerning U.S. Patent No. 7,049,328, I am familiar with subject matter related to cardiac iron chelation technology.” *Id.* ¶ 11. Additionally, Mr. Golob’s declaration

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complies with the requirements set forth in the Board's order authorizing motions for *pro hac vice* admission. *Id.* ¶¶ 1–12.

On this record, we determine that Patent Owner has demonstrated that Mr. Golob has sufficient legal and technical qualifications to represent Patent Owner in the instant proceeding. We further recognize that there is a need for Patent Owner to have its counsel in the related district court litigation involved in this proceeding. *See* Patent Owner Mot. 3.

For the foregoing reasons, Patent Owner has established that there is good cause for Mr. Golob's *pro hac vice* admission in these proceedings. Mr. Golob will be permitted to appear *pro hac vice* in these proceedings as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

Accordingly, it is:

ORDERED that Patent Owner's motions for *pro hac vice* admission of Mr. Golob are *granted*; Mr. Golob is authorized to represent Patent Owner only as back-up counsel in the instant proceeding, IPR 2017-01446;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for the instant proceeding;

FURTHER ORDERED that Mr. Golob is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations; and

FURTHER ORDERED that Mr. Golob is to be subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101–901.

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PETITIONER:

Huiya Wu  
Robert V. Cerwinski  
Sara Fink  
GOODWIN PROCTER LLP  
hwu@goodwinlaw.com  
rcerwinski@goodwinlaw.com  
sfink@goodwinlaw.com

PATENT OWNER:

W. Blake Coblentz  
Aaron S. Lukas  
COZEN O'CONNOR  
WCoblentz@cozen.com  
ALukas@cozen.com