

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

APOTEX TECHNOLOGIES INC.,
Patent Owner.

Case IPR2017-01446
U.S. Patent No. 7,049,328

**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF
BARRY P. GOLOB**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c) and Paper No. 4 authorizing the parties to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c), Patent Owner Apotex Technologies Inc. requests that the Patent Trial and Appeal Board admit Barry P. Golob *pro hac vice* in this proceeding, IPR2017-01446. Petitioners Taro Pharmaceuticals U.S.A. Inc. does not oppose this motion.

II. Statement of Facts Showing Good Case for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding

In accordance with 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 and to any other conditions the Board may impose. Section 42.10(c) indicates that, “where lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Mr. Golob *pro hac vice* in this proceeding.

1. Lead counsel, W. Blake Coblenz, is a registered practitioner. Back-up counsel, Aaron Lukas, is also a registered practitioner.

2. Mr. Golob is an experienced litigator who has an established familiarity with the subject matter at issue in the proceeding. Accompanying this motion as Exhibit 2038 is the Declaration of Barry P. Golob in Support of this Motion for Admission *Pro Hac Vice* ("Golob Decl."). In his declaration, Mr. Golob asserts:

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. Moreover, I have represented a number of life science and pharmaceutical companies in many patent litigation matters before federal district and appellate courts. In particular, I have extensive experience litigating highly specialized Hatch-Waxman actions involving prescription pharmaceutical drugs. Golob Dec. ¶ 11 (Ex. 2038).

Mr. Golob also states that he has an established relationship with Patent Owner Apotex Technologies Inc. *Id.* ¶ 10 (Ex. 2038). Mr. Golob also demonstrates that he has a working knowledge of the relevant subject matter through his participation in other proceedings involving United States Patent No. 7,049,328 and iron chelators, as well as his familiarity with patent litigation concerning pharmaceutical subject

matter as a result of participation as counsel in Hatch-Waxman cases. *Id.* ¶ 11 (Ex. 2038).

3. In his declaration, Mr. Golob also attests to each of the listed items required by the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639 pursuant to 37 C.F.R. § 42.10. *See id.* ¶¶ 1-12 (Ex. 2038). Mr. Golob attests that he has read and will comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials set forth in 37 C.F.R. § 42. *Id.* 8. Mr. Golob further attests that he agrees to be subject to the United States Patent and Trademark Office’s Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 9.

III. Conclusion

For the foregoing reasons, Petitioners respectfully request that the Board admit Mr. Golob *pro hac vice* in this proceeding.

Respectfully Submitted,

Dated: April 17, 2018

/W. Blake Coblentz/
W. Blake Coblentz
Counsel for Patent Owners

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PATENT OWNER'S UPDATED EXHIBIT LIST (37 C.F.R. § 42.63(e))

<u>Exhibit</u>	<u>Exhibit Name</u>
2001	Declaration of Thomas D. Coates, M.D.
2002	<i>Curriculum vitae</i> of Thomas D. Coates, M.D.
2003	Declaration of Dudley J. Pennell, M.D. FRCP FACC FESC FRCR FAHA FMedSci
2004	<i>Curriculum vitae</i> of Dudley J. Pennell, M.D. FRCP FACC FESC FRCR FAHA FMedSci
2005	Intentionally left blank
2006	Noetzli <i>et al.</i> , “ <i>Longitudinal analysis of heart and liver iron in thalassemia major</i> ,” BLOOD 112(7):2973-2978 (2008)
2007	L. Anderson <i>et al.</i> , “[2601] <i>Cardiac Iron Deposition Is Not Predicted By Conventional Markers Of Iron Overload In Homozygous β-Thalassemia</i> ,” ABSTRACTS OF THE 42D ANN. MTG. OF THE AMER. SOC. OF HEMATOLOGY, Dec. 1-5, 2000
2008	Internet publication dated October 14, 2011, “ <i>FDA approves FERRIPROX[®] to treat patients with excess iron in the body</i> ,” U.S. Food & Drug Administration, available at: http://www.prnewswire.com/news-releases/fda-approves-ferriprox-to-treat-patients-with-excess-iron-in-the-body-131876763.html (last accessed August 23, 2017)
2009	Intentionally left blank
2010	Claim Construction Opinion and Order, D.E. 64 in Civil Action No. 2:16-cv-0058 (E.D. Tex., May 17, 2017)
2011	N.F. Olivieri <i>et al.</i> , “ <i>Long-Term Safety and Effectiveness of Iron-Chelation Therapy With Deferiprone for Thalassemia Major</i> ,” N. ENG. J. MED. 339(7):417-423 (1998)
2012	N.F. Olivieri <i>et al.</i> , “ <i>Cardiac Failure and Myocardial Fibrosis in a patient with Thalassemia Major (TM) Treated with Long-Term Deferiprone</i> ,” BLOOD 92(10) Suppl. 1:532a (1998)
2013	N.F. Olivieri <i>et al.</i> , “ <i>Long-Term Trials of Deferiprone in Cooley’s Anemia</i> ,” ANNALS OF THE NEW YORK ACADEMY OF SCIENCES Vol. 850:217-222 (1998)
2014	Internet publication dated June 8, 2017, “ <i>Canadian Scientists Honored in for Role in Breakthrough Drug</i> ,” Cooley’s Anemia Foundation, available at: http://www.newswire.ca/news-releases/canadian-scientists-honored-for-role-in-breakthrough-drug-627205651.html (last accessed August 23, 2017)

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