

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WATSON LABORATORIES, INC.,
Petitioner,

v.

UNITED THERAPEUTICS CORP.
Patent Owner.

Case No. IPR2017-01621
Patent No. 9,358,240

Case No: PR2017-01622
Patent No. 9,339,507

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
KURT A. MATHAS UNDER 37 C.F.R. § 42.10**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via the Patent Review Processing System

Pursuant to 37 C.F.R. § 42.10, and pursuant to the authorization provided by the United States Patent and Trademark Office’s Patent Trial and Appeal Board (“Board”) in the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper Number 4, July 13, 2017) (“the Notice”), Petitioner WATSON LABORATORIES, INC. (“Petitioner”) submits this motion for KURT A. MATHAS to appear *pro hac vice*. Petitioner respectfully requests the Board to recognize Mr. Mathas as 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, as well as the “Order – Authorizing Motion for *Pro Hac Vice* Admission” in *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (Oct. 15, 2013) (“the Order”), 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

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

Lead counsel for this proceeding, Michael K. Nutter, is a registered practitioner (Reg. No. 44,979).

Mr. Mathas is an experienced litigation attorney with twelve years of litigation experience. Ex. 1167, ¶ 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 all aspects of litigation leading up to and including jury trials and bench trials. *Id.*

Mr. Mathas is a member in good standing of the State Bar of Illinois and is admitted to practice before the Federal Circuit Court of Appeal, Seventh Circuit Court of Appeal, Northern District of Illinois, Eastern District of Texas, District of Colorado and Western District of Michigan. *Id.*, ¶ 1.

Mr. Mathas 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. Mathas has obtained substantial familiarity with the involved patent, the prior art, and the various issues raised in this proceeding. Moreover, Mr. Mathas has reviewed the involved patent, the Petition, the prior art, and all other cited materials and was involved in the preparation of the Petition upon which the Board instituted trial. *Id.*, ¶ 8. Specifically, he was the outside counsel primarily responsible for the day-to-day management of the district court litigation and was involved in analysis of the prior art and developing and litigating the invalidity defenses for the involved patents in the district court action. *Id.* Given his patent litigation experience and his

familiarity with the instant Petition, the cited materials, and the patent, Mr. Mathas has established familiarity with the subject matter at issue in this proceeding. *Id.*

Mr. Mathas 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.

Mr. Mathas has not applied to appear *pro hac vice* in the last three years in any other matter before the Board. *Id.*, ¶ 7. He is concurrently seeking admission in IPR2017-01621 related to U.S. Patent No. 9,358,240 and IPR2017-01622 related to U.S. Patent No. 9,339,507, which are related patents.

Given Mr. Mathas's familiarity with the subject matter at issue in this proceeding, Petitioner respectfully submit that they have shown good cause for the Board to recognize Mr. Mathas as counsel *pro hac vice* during this proceeding.

III. AFFIDAVIT OR DECLARATION OF INDIVIDUAL SEEKING TO APPEAR

This Motion is accompanied by a Declaration of Mr. Mathas as required by the Order.

Respectfully submitted,

Dated: January 25, 2018

/Michael K. Nutter/

Michael K. Nutter, Lead Counsel

Reg. No. 44,979

Andrew R. Sommer, Back-Up Counsel

Reg. No. 53,932

Kurt A. Mathas, Back-Up Counsel

WINSTON & STRAWN LLP

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