

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.

Petitioner

v.

POZEN INC. and HORIZON PHARMA USA, INC.

Patent Owner

Case No. IPR2017-01995
U.S. Patent No. 9,220,698

DECLARATION OF AUTUMN N. NERO
IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION OF
AUTUMN N. NERO

I, Autumn N. Nero, declare as follows:

1. I am a patent litigation partner at Perkins Coie LLP.
2. I am a member in good standing of the Bar of the State of Wisconsin.

I am also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Federal Circuit, the United States Courts of Appeals for the Seventh Circuit, and the United States Courts of Appeals for the Eleventh Circuit. I am admitted to practice before the United States District Court for the Eastern District of Wisconsin and the United States District Court for the Western District of Wisconsin.

3. My State of Wisconsin Bar membership number is 1060065.
4. I have been practicing law for 12 years, including litigating patent cases, specifically focused on pharmaceutical patent cases for approximately 9 years.
5. More generally, I have represented the Petitioner and/or its various related entities in litigating significant pharmaceutical patent cases, such as the following patent cases:

- *The Medicines Company v. Mylan Inc.*, Civil Action No. 1:11-cv-01285 (U.S. District Court for the Northern District of Illinois);

- *AstraZeneca Pharmaceuticals LP v. Mylan Pharmaceuticals Inc.*, No. 1:15-cv-0183 (U.S. District Court for the Northern District of West Virginia);
- *AstraZeneca Pharmaceuticals LP v. Agila Specialties Inc.*, No. 1:15-cv-06039 (U.S. District Court for the District of New Jersey);
- *Horizon Pharma, Inc. v. Mylan Pharms. Inc.*, No. 13-cv-04022-MLC-DEA (U.S. District Court for the District of New Jersey);
- *Horizon Pharma, Inc. v. Mylan Pharms. Inc.*, No. 15-cv-03327-SRC-CLW (U.S. District Court for the District of New Jersey);
- *Apotex, Inc. v. Daiichi Sankyo Inc.*, No. 15-cv-03695 (U.S. District Court for the Northern District of Illinois);
- *Alembic Pharmaceuticals Ltd. v. Daiichi Sankyo, Co.*, No. 16-cv-03956 (U.S. District Court for the Northern District of Illinois);
- *Aurobindo Pharmaceuticals Ltd. v. Daiichi Sankyo, Inc.*, No. 16-cv-04876 (U.S. District Court for the Northern District of Illinois);
- *Sandoz, Inc. v. Daiichi Sankyo*, No. 16-cv-81 (U.S. District Court for the Eastern District of Virginia);
- *Torrent Pharmaceuticals Ltd. v. Daiichi Sankyo, Inc.*, No. 16-cv-02988 (U.S. District Court for the Northern District of Illinois);

- *Horizon Pharma, Inc. v. Mylan Pharms. Inc.*, No. 16-cv-04921-SRC-CLW (U.S. District Court for the District of New Jersey); and
- *Pozen Inc. v. Dr. Reddy's Laboratories Inc.*, No. 17-2473 (consolidated) (U.S. Court of Appeals for the Federal Circuit).

6. I have never been disbarred, suspended, sanctioned, or cited for contempt by any court or administrative body. I am not currently suspended in any bar, or by any court or administrative body.

7. I have never had a court or administrative body deny my application for admission to practice.

8. I am familiar with the subject matter of this proceeding. In addition to U.S. Patent No. 9,220,698 (“the ’698 patent”) and its prosecution history, I am familiar with the technology at issue and Vimovo®, the pharmaceutical product for which the ’698 patent is listed by Horizon Pharma USA, Inc. in FDA’s publication, *Approved Drug Products with Therapeutic Equivalence Evaluations*, commonly referred to as the “Orange Book.” I have been litigating issues surrounding Vimovo for nearly 2 years in *Horizon Pharma, Inc. v. Mylan Pharms. Inc.*, Civil Action No. 13-cv-04022-MLC-DEA (D.N.J.), *Horizon Pharma, Inc. v. Mylan Pharms. Inc.*, No. 15-cv-03327-SRC-CLW (D.N.J.), and *Horizon Pharma, Inc. v. Mylan Pharms. Inc.*, No. 16-cv-04921-SRC-CLW (D.N.J.), on behalf of Mylan Pharmaceuticals Inc., Mylan Laboratories Ltd., and Mylan Inc.

9. In connection with my work on the Vimovo litigation, I have become familiar with the prior art references that are the subject of this proceeding.

10. Given my familiarity with the underlying facts and my litigation experience with the Federal Rules of Evidence, I have experience and expertise important to representing Mylan's interests in this matter.

11. I have read and will comply with Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of 37 C.F.R.

12. I agree to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

13. I have not previously applied for, admission *pro hac vice* before the United States Patent and Trademark Office.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: June 18, 2018

/s/ Autumn N. Nero
Autumn N. Nero