

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 Owners

Case No. IPR2018-01995

Patent No. 9,220,698

**DECLARATION OF JONATHAN G. GRAVES IN SUPPORT OF MOTION
TO APPEAR PRO HAC VICE ON BEHALF OF PATENT OWNER
HORIZON PHARMA USA, INC.**

I, Jonathan G. Graves, do hereby declare:

1. I am a partner in the law firm Cooley LLP. Lead counsel is Thomas A. Blinka, who is also a partner in the law firm Cooley LLP. Mr. Blinka is registered to practice before the United States Patent and Trademark Office and holds Registration No. 44,541. With respect to this proceeding, I will work closely with Mr. Blinka.

2. I hold a Bachelor of Arts degree from Dartmouth College. I hold a Juris Doctor degree from the University Of Virginia School Of Law.

3. I have 27 years of experience as a practicing litigating attorney. My practice is focused on patent litigation, and I have been counsel in many complex patent litigation proceedings.

4. In my capacity as a partner with Cooley LLP, I have been intimately involved with litigation matters in various United States District Courts and Courts of Appeals, and before the International Trade Commission.

5. I am currently litigation counsel for Horizon in a pending federal district court action in which Petitioner asserts infringement of U.S. Patent No. 9,220,698, and I am familiar with the legal subject matter, technical subject matter, and prior art discussed in Petitioner's Request for *Inter Partes* Review of U.S. Patent No. 9,220,698.

6. In my capacity as a partner at Cooley LLP, I have become familiar with the legal subject matter, technical subject matter, and prior art involved with

U.S. Patent No. 9,220,698.

7. I am therefore qualified to represent the interests of Horizon Pharma USA, Inc. as an experienced litigation attorney.

8. In the past three (3) years, I have appeared *pro hac vice* before the United States Patent and Trademark Office in two consolidated proceedings, *Aker Biomarine AS v. Neptune Technologies and Bioresources Inc.*, IPR2014-00003, and *Enzymotec, Ltd. v. Neptune Technologies and Bioresources Inc.*, IPR2014-00556. I argued on behalf of the Patent Owner in the oral hearing in those proceedings. I have also appeared *pro hac vice* on behalf of the Patent Owner in *Eli Lilly and Company v. The Trustees of the University of Pennsylvania*, IPR2016-00458, and on behalf of the Petitioner in *HyperBranch Medical Technology, Inc. v. Incept LLC*, IPR2016-01836.

9. I am a member in good standing of the Virginia State Bar and the D.C. Bar. I am also admitted to practice before the United States District Court for the Eastern District of Michigan, the United States District Court for the District of Colorado, the United States District Court for the Central District of California, the United States District Court for the Eastern District of Texas, the United States District Court for the Eastern District of Virginia, the United States District Court for the District of Columbia, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court.

10. I have never been suspended or disbarred from practice before any court or administrative body.

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

12. I have never been sanctioned or cited for contempt by any court or administrative body.

13. I have 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 37 C.F.R.

14. I agree 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).

15. I 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 were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of U.S. Patent No. 9,220,698.

DATED: January 12, 2018

Jonathan G. Graves

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