

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 BRYAN D. BEEL
IN SUPPORT OF MOTION FOR *PRO HAC VICE* ADMISSION OF
BRYAN D. BEEL

I, Bryan D. Beel, declare as follows:

1. I am counsel in the patent litigation group at Perkins Coie LLP.
2. I am a member in good standing of the Bar of the State of Oregon. I am also admitted to practice before the United States Courts of Appeals for the Fourth Circuit and Federal Circuit. I am admitted to practice before the United States District Court for the District of Oregon, and the Supreme Court of Oregon.
3. My State of Oregon Bar membership number is OR 073408.
4. I have been practicing law for more than ten years, including litigating patent cases, specifically focused on pharmaceutical patent cases, for the last eight 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:
 - *AstraZeneca AB v. Mylan Laboratories Ltd.*, Civil Action No. 3:12-cv-01378-MLC-TJB (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);

- *BTG Int'l Ltd. v. Actavis Labs. FL, Inc.*, Civil Action No. 2:15-cv-05909-KM-JBC (U.S. District Court for the District of New Jersey);
- *Novartis AG v. Mylan Pharms. Inc.*, No. 16-cv-00289-LPS (U.S. District Court for the District of Delaware);
- *Horizon Pharma, Inc. v. Mylan Pharms. Inc.*, No. 16-cv-04921-SRC-CLW (U.S. District Court for the District of New Jersey);
- *Novartis Pharms. Corp. v. Mylan Pharms. Inc.*, No. 17-cv-00389-RGA (U.S. District Court for the District of Delaware); and
- *Novartis Pharms. Corp. v. Mylan Pharms. Inc.*, No. 17-cv-54-IMK (U.S. District Court for the Northern District of West Virginia).

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 five 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 previously applied for, and been granted, admission *pro hac vice* before the United States Patent and Trademark Office in IPR2016-01332.

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: April 2, 2018

/s/ Bryan D. Beel

Bryan D. Beel