

Filed: January 31, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.

Petitioner

v.

HORIZON PHARMA USA, INC. and NUVO PHARMACEUTICALS  
(IRELAND) DESIGNATED ACTIVITY COMPANY.

Patent Owners

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Case No. IPR2018-00272  
U.S. Patent No. 9,393,208

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

## **I. Statement of Precise Relief Requested**

Mylan Pharmaceuticals Inc. (“Mylan”) hereby respectfully requests that the Patent Trial and Appeal Board (the “Board”) admit Autumn N. Nero *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c).

Patent Owners have stated they will not oppose this motion.

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

Under 37 C.F.R. § 42.10(c), the Board may admit counsel *pro hac vice* for good cause, so long as lead counsel is a registered practitioner and subject to any other conditions the Board requires. Under Section 42.10(c), good cause includes when “counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” This motion satisfies the requirements of Section 42.10(c):

1. Lead counsel, Brandon M. White, is a registered practitioner.
2. Ms. Nero is an experienced patent litigator and has an established familiarity with the subject matter at issue here, as shown in her accompanying January 31, 2019 Declaration (“Nero Decl.”), attached hereto. That declaration shows that Ms. Nero has been a litigator for 12 years. She is a member in good standing of the Wisconsin State Bar and is also admitted in the federal courts. Ms. Nero is also familiar with the subject matter of this case, including U.S. Patent No.

9,393,208 and its prosecution history, the underlying technology, and the prior art cited by the petitioner in this matter. Nero Decl. ¶¶ 8-9.

3. In her declaration, Ms. Nero also attests to each of the listed items required by the Order – Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. § 42.10 in IPR2013-00639. See Nero Decl. ¶¶ 2-13.

### III. Conclusion

For the foregoing reasons, Mylan respectfully requests that the Board admit Autumn N. Nero, *pro hac vice* in this proceeding.

Dated: January 31, 2019

/Brandon M. White/

Brandon M. White

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*Attorney for Mylan Pharmaceuticals Inc.*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing:

1. MOTION FOR *PRO HAC VICE* ADMISSION OF AUTUMN N. NERO,  
and
2. DECLARATION OF AUTUMN N. NERO IN SUPPORT OF MOTION  
FOR *PRO HAC VICE* ADMISSION OF AUTUMN N. NERO

was served electronically via email as follows:

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Dated: January 31, 2019

/Brandon M. White/  
Brandon M. White

*Attorney for Mylan Pharmaceuticals Inc.*