

Filed January 24, 2019

Filed on behalf of: KVK-Tech, Inc.

By: Steven Roth ([sroth@lmiplaw.com](mailto:sroth@lmiplaw.com))

Lucas & Mercanti, LLP

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KVK-Tech, Inc.

Petitioner

v.

Shire PLC

Patent Owner

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Case IPR2018-00293

U.S. Pat. No. 9,173,857

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PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF  
DAVID J. GALLUZZO

**I. Statement of Precise Relief Requested**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner KVK-Tech, Inc. requests that the Patent Trial and Appeal Board (the "Board") admit David J. Galluzzo *pro hac vice* in this proceeding, IPR2018-00293.

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

In accordance with 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions the Board may impose. Section 42.10(c) indicates that, "where lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." The facts here establish good cause for the Board to recognize Mr. Galluzzo *pro hac vice* in this proceeding.

1. Lead counsel, Steven Roth, is a registered practitioner. Back-up counsel, Thomas J. Vetter is also a registered practitioner.

2. Mr. Galluzzo is an experienced litigator who has an established familiarity with the subject matter at issue in this proceeding. Accompanying this motion as Exhibit 1044 is the Declaration of David J. Galluzzo in Support of Motion for Admission *Pro Hac Vice* ("Galluzzo Decl."). In his declaration, Mr. Galluzzo asserts:

I am a member in good standing of the Bars of New York and Connecticut, and am admitted to practice before the U.S. District Courts for the Southern District of New York, Eastern District of New York, and the District of Delaware.

Galluzzo Decl. ¶ 3 (EX. 1044). Mr. Galluzzo also demonstrates that he has a detailed working knowledge of the relevant subject matter as a former pharmaceutical scientist and through his preparation in these proceedings including research involving amphetamine salts and Adderall® formulations. Id. ¶ 9.

3. In his declaration, Mr. Galluzzo 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 Galluzzo Decl. ¶¶ 1-10 (Ex. 1044). Mr. Galluzzo attests that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 35 C.F.R. § 42. Id. ¶ 7. Mr. Galluzzo further attests that he agrees to be subject to the United States Patent and Trademark Office's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 1.19(a). Id. ¶ 8.

### III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that the Board admit Mr. Galluzzo *pro hac vice* in this proceeding.

Respectfully submitted,

Date: January 24, 2019

By: /s/ Steven Roth  
Steven Roth, Reg No. 47,039  
Thomas J. Vetter  
Lucas & Mercanti, LLP  
30 Broad St. 21<sup>st</sup> Floor  
New York, N.Y. 10004  
Tel: 212-661-8000  
Email: [sroth@lmiplaw.com](mailto:sroth@lmiplaw.com)

Counsel for Petitioner  
KVK-Tech, Inc.

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4), the undersigned certifies that a true and correct copy of this document (Petitioner's Motion for Admission *Pro Hac Vice* of David J. Galluzzo), and every Exhibit filed with this document, were served electronically via email on January 24, 2019, in its entirety on each of the following:

Joseph R. Robinson  
Troutman Sanders LLP  
875 Third Avenue  
New York, NY 10022  
joseph.robinson@troutmansanders.com

Dustin B. Weeks  
Troutman Sanders LLP  
Bank of America Plaza  
600 Peachtree Street NE, Suite 5200  
Atlanta, GA 30308-2231  
dustin.weeks@troutmansanders.com

Robert Schaffer  
Troutman Sanders LLP  
875 Third Avenue  
New York, NY 10022  
robert.schaffer@troutmansanders.com

Patent Owner has consented to electronic service.

/s/ Steven Roth  
Steven Roth  
Reg. No. 47,039