

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMNEAL PHARMACEUTICALS LLC AND  
AMNEAL PHARMACEUTICALS OF NEW YORK, LLC,  
Petitioners,

v.

ALMIRALL, LLC,  
Patent Owner.

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Case IPR2018-00608  
Patent 9,161,926

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**PATENT OWNER ALMIRALL, LLC'S  
MOTION FOR *PRO HAC VICE* ADMISSION OF  
ELIZABETH B. HAGAN PURSUANT TO 37 C.F.R. § 42.10(c)**

**I. RELIEF REQUESTED**

Pursuant to 37 C.F.R. § 42.10(c), and as authorized in the Board’s Notice of Filing Date issued March 8, 2018 (Paper 6), Patent Owner Almirall, LLC (“Almirall”) respectfully requests the *pro hac vice* admission of Elizabeth B. Hagan in this proceeding.

**II. GOVERNING LAWS, RULES, AND PRECEDENT**

Section 42.10(c) states as follows:

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 as the Board may impose. For example, where the 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 showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

As stated in the Board’s March 8, 2018 Notice of Filing Date, any motion for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the Order Authorizing Motion for *Pro Hac Vice* Admission entered in Case IPR2013-00639, Paper 7. That Order further provides that *pro hac vice* motions may be filed “no sooner than twenty one (21) days after service of the petition.”

### III. STATEMENT OF FACTS

Based on the following facts, and supported by the attached Declaration of Ms. Hagan (Ex. 2002), Almirall requests the *pro hac vice* admission of Elizabeth

B. Hagan in this proceeding:

1. Almirall's lead counsel, James Trainor, is a registered practitioner (Reg. No. 52,297).
2. Ms. Hagan is an associate in the law firm of Fenwick & West LLP. Ex. 2002, ¶ 3.
3. Ms. Hagan, who has a Ph.D. in Medical Science, is an experienced patent litigation attorney. She has been practicing law since 2013 and has experience litigating patent infringement cases in district courts across the United States and at the United States Court of Appeals for the Federal Circuit. *Id.* ¶ 4. Ms. Hagan has been litigating patent cases for over five years. Her experience in patent litigation includes trials, claim construction proceedings, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, among other issues, patent validity and infringement. *Id.* ¶ 5.
4. Ms. Hagan has familiarity with the subject matter at issue in this proceeding. She is one of the attorneys representing Patent Owner

Almirall, LLC in the co-pending district court litigation against Taro Pharmaceutical Industries Ltd. *See Almirall, LLC v. Taro Pharm. Indus., Ltd.*, Case No. 1:17-cv-00663 (JFB) (SRF) (D. Del.). That litigation involves a patent in the same family as the patent at issue in this proceeding, U.S. Patent No. 9,161,926 (“the ’926 patent”). Ex. 2002, ¶ 12. As trial counsel for Almirall, LLC, Ms. Hagan is actively involved in all aspects of the district court litigation, including development of validity positions regarding a patent in the same family as the ’926 patent challenged in this proceeding. *Id.* Ms. Hagan has also reviewed in detail the ’926 patent and its prosecution history, as well as the Petition, the expert declarations in support of the Petition, the prior art upon which the Petitioner bases its challenge, and the Board’s Institution Decision. *Id.* ¶ 13.

5. Ms. Hagan is an attorney in good standing of the State Bar of Washington. *Id.* ¶ 6.
6. Ms. Hagan has never been suspended or disbarred from practice before any court or administrative body. *Id.*
7. No application of Ms. Hagan for admission to practice before any court or administrative body has ever been denied. *Id.* ¶ 7.

8. No sanctions or contempt citations have been imposed against Ms. Hagan by any court or administrative body. *Id.* ¶ 8.
9. Ms. Hagan has 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. Ex. 2002, ¶ 9.
10. Ms. Hagan understands that she will be subject to the USPTO 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). Ex. 2002, ¶ 10.
11. Ms. Hagan has not applied to appear *pro hac vice* before the Office in the last three years. *Id.* ¶ 11.
12. This motion was filed no sooner than 21 days after service of the Petition in this proceeding, which occurred on February 12, 2018.

#### **IV. GOOD CAUSE EXISTS FOR THE ADMISSION *PRO HAC VICE* OF MS. HAGAN IN THIS PROCEEDING**

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 that the Board may impose. 37 C.F.R. § 42.10(c). Almirall's lead counsel, James Trainor, is a registered practitioner. Based on the facts contained herein, as supported by Ms. Hagan's declaration (Ex. 2002), good cause exists to admit Ms. Hagan *pro hac vice* in this proceeding.

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