

Patent Owners' Motion for Admission *Pro Hac Vice* of Kevin S. Prussia

Filed on behalf of Bristol-Myers Squibb Co. and Pfizer Inc.

By: Heather M. Petruzzi, Reg. No. 71,270 (Lead Counsel)
WILMER CUTLER PICKERING HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Tel: (202) 663-6000
Email: Heather.Petruzzi@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,

Petitioner,

v.

BRISTOL-MYERS SQUIBB CO.

and PFIZER INC.,

Patent Owners.

IPR No. 2018-00892

Patent No. 9,326,945 B2

**PATENT OWNERS' MOTION FOR ADMISSION
PRO HAC VICE OF KEVIN S. PRUSSIA**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c), Patent Owners Bristol-Myers Squibb Co. and Pfizer Inc. (collectively, "Patent Owners") request that the Patent Trial and Appeal Board (the "Board") admit Kevin S. Prussia *pro hac vice* in this proceeding, IPR2018-00892.

II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the 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 as 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 Kevin S. Prussia *pro hac vice* in this proceeding.

1. Lead counsel, Heather M. Petruzzi, is a registered practitioner. Backup counsel Timothy A. Cook, Kevin M. Yurkerwich, Michael E. Nelson, and Jason M. Okun, are also registered practitioners.

2. Kevin S. Prussia is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding. Accompanying this motion as Exhibit 2001 is the Declaration of Kevin S. Prussia in Support of this Motion for Admission *Pro Hac Vice* ("Prussia Decl."). In his declaration, Mr. Prussia asserts:

I am a member in good standing of the Bars of the Commonwealth of Massachusetts and the State of New York. I am admitted to practice before the U.S. District Court for the District of Massachusetts. I am also admitted to practice before the U.S. Court of Appeals for the First Circuit and the U.S. Court of Appeals for the Federal Circuit. I am also admitted to practice before the Supreme Judicial Court of Massachusetts, and the Appellate Division, Supreme Court of New York, Third Judicial Department.

Prussia Decl. ¶ 3 (Ex. 2001). Mr. Prussia also demonstrates that he has a detailed working knowledge of the relevant subject matter through both prior *inter partes review* experience and his familiarity with pharmaceutical technologies as a result of participation as counsel in the corresponding district court litigation on this patent as well as many prior pharmaceutical-related intellectual property cases on behalf of both Patent Owner Bristol-Myers Squibb and other pharmaceutical companies. Prussia Decl. ¶¶ 5-6 (Ex. 2001).

3. In his declaration, Mr. Prussia 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* Prussia Decl. ¶¶ 1-11 (Ex. 2001).

Mr. Prussia 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 37 C.F.R. § 42. *See id.* ¶ 10. Mr. Prussia 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. § 11.19(a). *See id.* ¶ 11.

III. Conclusion

For the foregoing reasons, Patent Owners respectfully request that the Board admit Kevin S. Prussia *pro hac vice* in this proceeding.

Respectfully submitted,

Dated: May 16, 2018

By: /Heather M. Petruzzi/
Heather M. Petruzzi
Registration No. 71,270
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006

*Lead Counsel for Bristol-Myers
Squibb Co. and Pfizer Inc.*

PATENT OWNERS' EXHIBIT LIST
IPR2018-00892

Patent Owners' Exhibit Number	Exhibit Name
2001	Declaration of Kevin S. Prussia in Support of Motion for Admission <i>Pro Hac Vice</i>

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