

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

SANOFI-AVENTIS DEUTSCHLAND GMBH,
Patent Owner.

Case No. IPR2018-01676
Patent No. 8,603,044

MYLAN PHARMACEUTICALS INC.
UNOPPOSED MOTION FOR *PRO HAC VICE* RECOGNITION
37 CFR §42.10(c)

I. PRECISE RELIEF REQUESTED

Petitioner (Mylan) moves for Elham F. Steiner to be recognized *pro hac vice* for this proceeding. 37 CFR §42.10(c); Paper 6, citing *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper 7 (2013) (representative). Patent Owner (Sanofi) has indicated that it will not oppose. A Declaration (EX1040) from Ms. Steiner accompanies this Motion.

II. STATEMENT OF FACTS

1. Ms. Steiner is a member in good standing of the state bars of New York and California, of the United States Court of Appeals for the Federal Circuit, and of numerous United States District Courts. EX1040, ¶1.

2. Ms. Steiner has not been suspended or disbarred from practice before any court or administrative body. *Id.*, ¶2.

3. No court or administrative body has denied an application for admission from Ms. Steiner. *Id.*, ¶3.

4. No court or administrative body has imposed sanctions or contempt citations imposed on Ms. Steiner. *Id.*, ¶4.

5. Ms. Steiner has read and will comply with the Office Patent Trial Practice Guide (and update) and the Board's Rules of Practice for Trials set forth in part 42 of title 37 of the Code of Federal Regulations. *Id.*, ¶5.

6. Ms. Steiner agrees to be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 et seq. and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.*, ¶6.

7. Within the last three years, Ms. Steiner only appeared *pro hac vice* before the Board in *Mylan Technologies, Inc. v. MonoSol RX, LLC* (IPR2017-00200) and in related proceedings for *Mylan Pharmaceuticals Inc. v. Sanofi-Aventis Deutschland GmbH* (IPR2017-01526 and IPR2017-01528). *Id.*, ¶7.

8. Ms. Steiner is counsel for Mylan GmbH in the related district court litigation with *Sanofi-Aventis U.S. LLC, et al. v. Mylan GmbH, et al.*, No. 2:17-cv-09105 (D.N.J.), filed October 24, 2017. As a result, Ms. Steiner has particular experience and familiarity with the substantive and technical issues involved in these proceedings from that representation, and from coordination in these proceedings. *Id.*, ¶8.

9. Ms. Steiner is a patent litigation attorney with experience representing clients in multiple jurisdictions, including United States District Courts and the Federal Circuit Court of Appeals. Ms. Steiner has experience in all stages of litigation, from preliminary injunction through trial and appeal, and across a wide range of technologies, including pharmaceutical-related technologies. Her pertinent biographical background appears in an addendum to her declaration. *Id.*, ¶9 (citing EX1041 (Elham F. Steiner, Attorney Biography)).

10. Ms. Steiner has reviewed in detail U.S. Patent No. 8,603,044 and the parties' submissions in the present proceeding. EX1040, ¶10.

III. REASONS FOR THE REQUESTED RELIEF

Through Ms. Steiner's representation in these and related matters, Mylan has developed a relationship with Ms. Steiner, which Mylan wants to continue for the purpose of these proceedings. Sanofi has asserted a large number of patents and claims against Mylan, making Ms. Steiner's active involvement in all proceedings for purposes of coordination invaluable. Her educational background, general litigation experience, successful admission before other tribunals, and experience with this proceeding in particular make her well suited for *pro hac vice* admission in these proceedings.

IV. DECLARATION OF MS. STEINER

A declaration from Ms. Steiner (EX1040) accompanies this motion.

V. CONCLUSION

Good cause warrants the recognition of Ms. Steiner *pro hac vice*. Mylan respectfully requests that the Board grant this unopposed motion.

Respectfully submitted,

Date: 28 February 2019

/ Wesley E. Derryberry /
Wesley E. Derryberry, Back-up Counsel
Reg. No. 71,594

UPDATED EXHIBIT LIST

<u>Exhibit No.</u>	<u>Description</u>
1001	U.S. Patent 8,679,069, <i>Pen-Type Injector</i> (issued Mar. 25, 2014)
1002	U.S. Patent 8,603,044, <i>Pen-Type Injector</i> (issued Dec. 10, 2013)
1003	U.S. Patent 8,992,486, <i>Pen-Type Injector</i> (issued Mar. 31, 2015)
1004	U.S. Patent 9,526,844, <i>Pen-Type Injector</i> (issued Dec. 27, 2016)
1005	U.S. Patent 9,604,008, <i>Drive Mechanisms Suitable for Use in Drug Delivery Devices</i> (issued Mar. 28, 2017)
1006	File History for U.S. Patent 8,679,069
1007	File History for U.S. Patent 8,603,044
1008	File History for U.S. Patent 8,992,486
1009	File History for U.S. Patent 9,526,844
1010	File History for U.S. Patent. 9,604,008
1011	Expert Declaration of Karl Leinsing MSME, PE in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent Nos. 8,679,069; 8,603,044; 8,992,486; 9,526,844 and 9,604,008
1012	<i>Curriculum Vitae</i> of Karl Leinsing MSME,PE
1013	U.S. Patent 6,221,046 - A. Burroughs et al., "Recyclable Medication Dispensing Device" (issued Apr. 24, 2001)
1014	U.S. Patent 6,235,004 – S. Steinfeldt-Jensen & S. Hansen, "Injection Syringe" (issued May 22, 2001)
1015	U.S. Patent Application US 2002/0053578 A1 – C.S. Møller, "Injection Device" (pub'd May 2, 2002)

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