

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

ALMIRALL, LLC,
Patent Owner

Case IPR2019-00207
Patent 9,517,219

**DECLARATION OF ELIZABETH B. HAGAN IN SUPPORT
OF PATENT OWNER ALMIRALL, LLC'S
MOTION FOR ADMISSION *PRO HAC VICE***

I, Elizabeth B. Hagan, am more than twenty-one years of age, am competent to present this declaration, and have personal knowledge of the facts set forth therein.

1. This declaration is made in support of Patent Owner Almirall, LLC's Motion for Admission *Pro Hac Vice* of Elizabeth B. Hagan Pursuant to 37 C.F.R. § 42.10(c).

2. I am an associate in the law firm Fenwick & West LLP.

3. I earned a Ph.D. in Medical Science from the Pathobiology Graduate Program at Brown University in 2009. I have been practicing law since 2013, and have experience litigating patent infringement cases in district courts across the United States and at the United States Court of Appeals for the Federal Circuit.

4. I have been litigating patent cases for over five years. My experience in patent litigation includes trials, claim construction, patent summary judgment proceedings, and other patent-related hearings and pleadings concerning, among other issues, patent validity and infringement.

5. I am an attorney in good standing of the State Bar of Washington. I have never been suspended or disbarred from practice before any court or administrative body.

6. No court or administrative body has ever denied my application for admission to practice before it.

7. No court or administrative body has ever imposed sanctions or contempt citations against me.

8. I have 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.

9. I understand that I 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).

10. I have applied to appear *pro hac vice* before the Office twice in the last three years. On October 18, 2018 I applied to appear *pro hac vice* as counsel for Patent Owner Almirall, LLC in Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals of New York, LLC v. Almirall, LLC, IPR2018-00608, an *inter partes* review proceeding filed by the same Petitioners as in this matter, challenging U.S. Patent No, 9,161,926 ("the '926 patent)—a patent in the same family as the patent at issue in this proceeding. IPR2018-00608, Paper 18. The Board granted the motion on December 6, 2018, authorizing me to represent Patent Owner Almirall, LLC as back-up counsel. IPR2018-00608, Paper 25. On February 25, 2019, I applied to appear *pro hac vice* as counsel for Patent Owner Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center in Eli Lilly and Co. v. Los Angeles Biomedical Research Institute at Harbor-UCLA Medical Center, IPR2014-00752. That motion is pending.

11. I have an established familiarity with the subject matter at issue in this proceeding. I represented Patent Owner Almirall, LLC (“Almirall”) in the 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, which terminated on March 11, 2019, involved the patent at issue in this proceeding, U.S. Patent No. 9,517,219 (“the ’219 patent”). As trial counsel for Almirall, I was actively involved in all aspects of the district court litigation, including development of validity and infringement positions regarding the patent challenged in this proceeding.

12. I am also back-up counsel for Patent Owner Almirall in IPR2018-00508, an *inter partes* review proceeding filed by Petitioners challenging the ’926 patent, which is in the same family as the ’219 patent challenged in this proceeding. Petitioners base their challenge on the same prior art in this proceeding as in IPR2018-00508, and rely on declarations of the same experts relied upon in IPR2018-00508. As back-up counsel for Almirall in IPR2018-00508, I am actively involved in all aspects of the *inter partes* review proceeding, including development of validity positions regarding a patent in the same family as the ’219 patent challenged in this proceeding, and am familiar with the prior art upon which Petitioners rely.

13. I have reviewed in detail the challenged '219 patent as well as its prosecution history, the Petition, the expert declarations in support of the Petition, and the prior art upon which the Petitioner bases its challenge.

14. I am thus familiar with the '219 patent and the issues in this case.

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

EXECUTED at Seattle, Washington this 20th day of March, 2019.

/Elizabeth B. Hagan/
Elizabeth B. Hagan

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