

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner

v.

ALMIRALL, LLC,
Patent Owner

Case IPR2019-01095
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.

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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 three times in the last three years. On March 20, 2019, 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, IPR2019-00207, challenging U.S. Patent No. 9,517,219 ("the '219 patent")—the same patent at issue in this proceeding. IPR2019-00207, Paper 12. IPR2019-00207 is the proceeding with which Mylan seeks joinder. IPR2019-01095, Paper 2. The Board granted the *pro hac vice* motion on May 15, 2019, authorizing me to represent Patent Owner Almirall, LLC as back-up counsel. IPR2019-00207, Paper 15. 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 challenging U.S. Patent No, 9,161,926 ("the '926 patent")—a patent in the same family as the patent at

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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. In addition, 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 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 '219 patent at issue in this proceeding. In addition, I represent Patent Owner Almirall in the district court litigation against Amneal Pharmaceuticals LLC, Case No. 1:19-cv-00658-LPS (D. Del.), filed April 9, 2019, which concerns the same patent. As trial counsel for Almirall, I have been actively involved in all aspects of the district court litigations, 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 IPR2019-00207, an *inter partes* review proceeding filed by Amneal Pharmaceuticals LLC and

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Amneal Pharmaceuticals of New York, LLC challenging the '219 patent at issue in this proceeding. Petitioner has asserted that the Petition in this proceeding is “identical to the petition in [IPR2019-00207], challenging the same claims of the '219 patent on the same grounds and relying on identical expert testimony.” Paper 2 (Motion for Joinder) at 5–6. As back-up counsel for Almirall in IPR2019-00207, I am actively involved in all aspects of the *inter partes* review proceeding, including development of validity positions regarding the '219 patent, and am familiar with the grounds, expert testimony, and prior art on which Petitioner relies.

13. I am also back-up counsel for Patent Owner Almirall in IPR2018-00508, an *inter partes* review proceeding filed by Amneal Pharmaceuticals LLC and Amneal Pharmaceuticals of New York, LLC challenging the '926 patent, which is in the same family as the '219 patent challenged in this proceeding. Petitioner bases its challenge on the same prior art in this proceeding as was asserted in IPR2018-00508. As back-up counsel for Almirall in IPR2018-00508, I have been 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 Petitioner relies.

14. 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.

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