

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PROLLENIUM US INC.,
Petitioner

v.

ALLERGAN INDUSTRIE, SAS,
Patent Owner

IPR2019-01505, Patent 8,450,475 B2

IPR2019-01506, Patent 8,357,795 B2

IPR2019-01508, Patent 9,238,013 B2

IPR2019-01509, Patent 9,358,322 B2

IPR2019-01617, Patent 8,822,676 B2

IPR2019-01632, Patent 8,357,795 B2

IPR2020-00084, Patent 9,089,519 B2

**PATENT OWNER ALLERGAN INDUSTRIE, SAS'S
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION
UNDER 37 C.F.R. § 42.10(c)**

EXHIBITS

Exhibit No.	Exhibit Description
2001	Juvéderm Ultra™ XC Label
2002	Juvéderm Ultra Plus™ XC Label
2003	Juvéderm Voluma®XC Label
2004	U.S. Patent Publication No. 2004/0101959 to Marko et al, published May 27, 2004
2005	Excerpts from U.S. 8,822,676 file history
2006	Excerpts from U.S. 9,089,519 file history
2007	About Juvéderm Ultra Plus™ XC
2008	About Juvéderm Volbella® XC
2009	About Juvéderm Voluma® XC
2010	RESERVED
2011	Declaration in support of unopposed motion for <i>pro hac vice</i> admission of Elizabeth Flanagan

Pursuant to 37 C.F.R. § 42.10(c), the Patent Owner (“Allergan Industrie, SAS”) respectfully requests that the Board recognize Elizabeth M. Flanagan as counsel *pro hac vice* in this proceeding. Patent Owner seeks the counsel of Elizabeth M. Flanagan due to her experience in representing Allergan Industrie, SAS in other patent-related matters and particularly due to her familiarity with the substantive and technical issues involved in these proceedings. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response that was mailed on September 19, 2019. Patent Owner conferred with Petitioner, and Petitioner confirmed on June 2, 2020 that it does not oppose this motion.

Where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon a showing that counsel is an experienced litigating attorney and has established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c); *Unified Patents, Inc. v. Parallel Iron, LLC*, Case IPR2013-00639 (PTAB Oct. 15, 2013) (Paper 7) (setting forth requirements for *pro hac vice* admission). As set forth in her declaration submitted herewith (Exhibit 2011), Ms. Flanagan is a Principal at Fish & Richardson P.C. and a patent litigation attorney with significant experience advising clients regarding patent matters, including as counsel in litigation. More specifically, Ms. Flanagan has represented Patent Owner in district court litigation

involving two of the six patents at issue in these IPR proceedings, U.S. Patent Nos. 8,357,795 and 8,450,475. Based on this underlying litigation and the other facts detailed below and in her declaration, Ms. Flanagan has significant familiarity with the particular subject matter in this IPR proceeding. Additionally, Ms. Flanagan concurrently applying to appear *pro hac vice* in all captioned cases.

Statement of Facts

Ms. Flanagan is a patent litigation attorney with more than 11 years of experience representing clients in cases involving pharmaceuticals and medical devices. Ms. Flanagan regularly litigates patent cases before various federal district courts and in the United States Court of Appeals for the Federal Circuit. Through her practice in such cases, Ms. Flanagan has gained substantial experience in jury trials, bench trials, discovery, Markman hearings, and appeals. Allergan Industrie, SAS provides Exhibit A, as evidence, Elizabeth M. Flanagan's biography.

Ms. Flanagan also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding. Ms. Flanagan served as counsel for Allergan Industrie, SAS in district court litigation over U.S. Patent Nos. 8,357,795, which is at issue in IPR2019-01506 and IPR2019-01632, and U.S. Patent No. 8,450,475, which is at issue in IPR2019-01505. That litigation, *Allergan USA, Inc. and Allergan Industrie, SAS v. Medicis*

Aesthetics Inc., et al., Case No. SACV 13-1436 AG (JPRx) (C.D. Cal.), settled during the course of expert discovery. In that case, Ms. Flanagan participated in many phases of the litigation, including fact discovery, expert discovery, and claim construction proceedings. Through her representation in this related matter, Allergan Industrie, SAS has developed a particular relationship with Ms. Flanagan such that it desires to continue that relationship for the purpose of these proceedings.

Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Elizabeth M. Flanagan as required by the Order Authorizing Motion for *Pro Hac Vice* mailed September 19, 2019. As Ms. Flanagan stated in her accompanying Declaration, she has read, will comply with, and agrees to be subject to the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations. As also set forth in her Declaration, Ms. Flanagan is a member in good standing of the Bars of the State of Minnesota, Delaware, and Michigan, and is admitted to practice in numerous federal courts.

Accordingly, Allergan Industrie, SAS submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Elizabeth M. Flanagan as counsel *pro hac vice* during these proceedings.

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