

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN INSTITUTIONAL LLC,
Petitioner,

v.

NOVO NORDISK A/S,
Patent Owner.

Case IPR2020-00324
Patent 8,114,833

**PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC*
VICE OF RYAN P. JOHNSON UNDER 37 C.F.R. § 42.10(c)**

I. STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), as authorized by the Board’s Notice of Filing Date Accorded mailed December 30, 2019 (Paper 3), and in accordance with the Board’s Order, Paper 7 in Case IPR2013-00639, Patent Owner Novo Nordisk A/S (“Patent Owner”) requests that the Board admit Ryan P. Johnson *pro hac vice* in this proceeding. Counsel for Petitioner Mylan Institutional LLC (“Petitioner”) has informed counsel for Patent Owner that Petitioner does not oppose this Motion.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE FOR THE BOARD TO RECOGNIZE COUNSEL *PRO HAC VICE* IN THE PROCEEDING

Under 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. For example, where the 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 showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.”

The facts, supported by the attached Declaration of Ryan P. Johnson in Support of Patent Owner’s Motion for Admission *Pro Hac Vice* (EX2001) establish good cause to admit Mr. Johnson *pro hac vice* in this proceeding.

1. Lead counsel, Jeffrey Oelke, is a registered practitioner (Reg. No. 37,409).

2. Counsel for Patent Owner contacted counsel for Petitioner, who indicated that Petitioner did not plan to oppose Mr. Johnson's admission *pro hac vice*.

3. Counsel, Ryan P. Johnson, is an experienced litigating attorney with over twelve years in private practice and substantial experience with patent litigation. EX2001 at ¶ 9. Mr. Johnson has been counsel in patent infringement matters in multiple U.S. District Courts, the U.S. Court of Appeals for the Federal Circuit, and the U.S. Court of Appeals for the Fourth Circuit. *Id.* Mr. Johnson is a member in good standing of the State Bars of New York and Connecticut. *Id.* at ¶

1. He is also admitted to practice in the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States Court of Appeals for the Federal Circuit, and the United States District Court for the Fourth Circuit. *Id.* He has had no suspensions or disbarments from practice, no application for admission to practice denied, nor any sanctions or contempt citations. *Id.* at ¶¶ 2-4.

4. Within the past four years, Mr. Johnson has thrice applied for and been granted permission to practice before this Board *pro hac vice* in the following matters: *Laboratoire Francais Du Fractionnement et des Biotechnologies S.A. v.*

Novo Nordisk Healthcare AG, IPR2017-00028 (Paper No. 36); *Pfizer Inc. v. Biogen, Inc.*, (Paper No. 54); and *Pharmacosmos A/S v. American Regent, Inc.*, (Paper No. 9). *Id.* at ¶ 7. Mr. Johnson also has a Motion for *Pro Hac Vice* pending before the Board. See *Pharmacosmos A/S v. Luitpold Pharmaceuticals, Inc.*, (Paper No. 67). *Id.*

5. Mr. Johnson has familiarity with the subject matter and patent-at-issue in this proceeding, U.S. Patent No. 8,114,833 (the “’833 patent”), including its prosecution history and the scientific field to which the ’833 patent is addressed. *Id.* at ¶ 8. Mr. Johnson has served and is presently serving as counsel for Patent Owner in district court litigation involving the ’833 patent. *Id.*

6. Mr. Johnson has read and will comply with the Office Patent Trial Practice Guide and updates thereto and the Board’s Rules for Practices for Trials set forth in part 42 of title 37 of the Code of Federal Regulations, and he 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). EX2001 at ¶¶ 5-6.

III. STATEMENT OF REASONS FOR THE RELIEF REQUESTED

The facts stated above, as supported by the Declaration of Ryan P. Johnson (EX2001), establish that there is good cause to admit Mr. Johnson *pro hac vice* in this proceeding under 37 C.F.R. § 42.10(c). Patent Owner’s Lead Counsel, Jeffrey

Oelke, is a registered practitioner. Mr. Johnson is an experienced litigating attorney who has familiarity with the subject matter at issue in the proceeding.

IV. CONCLUSION

For all of the reasons set forth above, Patent Owner respectfully requests that the Board admit Ryan P. Johnson *pro hac vice* in this proceeding.

Dated: February 12, 2020

Respectfully submitted,

/Jeffrey J. Oelke/

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