

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS, INC.,
Petitioner

v.

NOVO NORDISK A/S,
Patent Owner

Case IPR2023-00724
Patent 10,335,462

**DECLARATION OF PHILIP S. MAY IN SUPPORT OF
PATENT OWNER'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION**

Pursuant to 37 C.F.R. § 1.68, I, Philip S. May, declare as follows:

1. I am a member in good standing of the bars of the District of Columbia, the State of New Jersey, and the State of New York, and am admitted to practice before the United States District Court for the District of Columbia, United States District Court for the District of New Jersey, 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 Third Circuit, the United States Court of Appeals for the Fourth Circuit, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Eleventh Circuit, and the United States Court of Appeals for the Federal Circuit. I have personal knowledge of the facts set forth in this Declaration. All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true.

2. I have never been suspended or disbarred from practice before any court or administrative body.

3. I have never had any application for admission to practice before any court or administrative body ever denied.

4. I have never had any sanctions or contempt citations imposed against me by any court or administrative body.

5. I have read and will comply with the Patent Trial and Appeal Board Consolidated Trial Practice Guide and the Board's Rules for Practice for Trials set forth in Part 42 of Title 37 of the Code of Federal Regulations.

6. I agree 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).

7. In the last three years, I have not applied to appear *pro hac vice* in any proceedings before the United States Patent and Trademark Office.

8. I have an established familiarity with U.S. Patent No. 10,335,462 (the "462 Patent"), the patented technology, and the specific subject matter in this proceeding. Since June 2023, I have been heavily involved with this proceeding, including in the analysis of the claim construction and invalidity issues raised by Mylan. I have substantively participated in the analysis of the Petition, analysis of the Institution Decision, and Preparation of Patent Owner's Response, and am thus familiar with the filings and various issues raised in this proceeding.

9. I am an experienced litigation attorney and have been practicing law for over 9 years. During this time, I have litigated numerous patent infringement cases at all stages in many different District Courts across the country. I have been part of multiple trials, *Markman* hearings, patent appeals at the United States Court

of Appeals for the Federal Circuit, and other patent-related hearings and pleadings concerning, *inter alia*, patent validity and infringement issues.

10. I have been warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the patent at issue in this proceeding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 6, 2024 at Washington, DC

/Philip S. May/
Philip S. May