

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC.,
Petitioner

v.

CORCEPT THERAPEUTICS, INC.
Patent Owner

Case PGR2019-00048
Patent No. 10,195,214 B2

**PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
WILLIAM H. MILLIKEN UNDER 37 C.F.R. § 42.10(c)**

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I. Introduction

Pursuant to 37 C.F.R. § 42.10(c), Petitioner Teva Pharmaceuticals USA, Inc. (“Teva”) respectfully requests that the Board recognize William H. Milliken as counsel *pro hac vice* in this proceeding.

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 the accompanying Declaration (TEVA1062), Mr. Milliken is an Associate at Sterne Kessler Goldstein & Fox PLLC and a patent-litigation attorney with significant experience advising clients regarding patent matters, including as counsel in multiple litigations involving Teva. Mr. Milliken also represents Teva in connection with the underlying district-court litigation on the patent at issue in this proceeding, *i.e.*, U.S. Patent No. 10,195,214 (“the ’214 patent”). *See Corcept Therapeutics, Inc. v. Teva Pharmaceuticals USA, Inc. et al.*, No. 1:18-cv-3632 (D.N.J.). Based on this underlying litigation and the other facts detailed below and in his declaration, Mr. Milliken has significant familiarity with the particular subject matter in this PGR proceeding.

This motion is authorized by the Notice of Filing Date Accorded that was mailed on May 24, 2019. *See* Paper No. 3 at 2.

II. Statement of Facts

As detailed in his declaration, Mr. Milliken practices litigation, primarily patent-infringement litigation, and has done so throughout his career as an attorney. He has litigated many patent cases across the country, including in New Jersey, Delaware, Texas, and Washington, D.C. He is familiar with the subject matter at issue in this proceeding because of his work on the concurrent district-court case involving the '214 patent.

Mr. Milliken is a member in good standing of the Bars of the District of Columbia and the State of Tennessee and is admitted to practice in numerous federal courts, including several U.S. district courts, the U.S. Court of Appeals for the Federal Circuit, the U.S. Court of Appeals for the First Circuit, the U.S. Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. He has never been suspended or disbarred from practice before any court or administrative body; never been denied admission to practice before any court or administrative body; and never received sanctions or contempt citations from any court or administrative body. He has read and will comply with the PTO's Patent Trial Practice Guide and the Board's Rules of Practice set forth in 37 C.F.R., part 42. He also understands that he will be subject to the USPTO Rules of Professional

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Conduct set forth in 37 C.F.R. §§ 11.101 et. seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). Moreover, Mr. Milliken's work in this proceeding will be supervised by lead counsel Deborah Sterling, a registered practitioner. Mr. Milliken has not previously requested *pro hac vice* admission before the PTAB in PGR proceedings.

III. Good Cause Exists For This Motion

Petitioner requests that the Board recognize Mr. Milliken as counsel *pro hac vice* because Mr. Milliken serves a unique and critical role for Teva in this proceeding. Mr. Milliken has substantial experience and expertise representing Teva in cases involving patents on pharmaceutical technologies. Specifically, Mr. Milliken represents Teva in the concurrent litigation involving the '214 patent. Given the posture of the court litigation, significant financial resources in the underlying district-court litigation have been expended. Mr. Milliken's knowledge of these litigation matters is important for purposes of this proceeding for several reasons, including ensuring consistency between Teva's position in those matters and in this proceeding.

Mr. Milliken has extensively reviewed the '214 patent and gained significant familiarity with the invalidity issues in the concurrent litigation, which significantly overlap with the corresponding issues in this PGR proceeding involving the '214 patent. Mr. Milliken was actively involved in analyzing and

assessing in the intrinsic record and the prior-art references relied upon in the Petition, as many of these references are relevant in the concurrent litigation matter. Additionally, Mr. Milliken was the primary drafter of Petitioner's invalidity contentions in the litigation. Mr. Milliken thus has a detailed understanding of the '214 patent and the substantive and technical issues involved in this proceeding.

Finally, Mr. Milliken's substantial experience and expertise with the pharmaceutical arts makes him uniquely positioned to represent Teva in this PGR proceeding. Mr. Milliken's expertise with the technical subject matter of this PGR proceeding extends beyond his involvement with the Petition and the concurrent litigation matter. Indeed, Mr. Milliken represents, or has represented, Teva in connection with multiple prior litigations regarding pharmaceutical technologies. He lists these proceedings in paragraph 7 of his declaration. As part of these proceedings, Mr. Milliken has analyzed a significant number of patents, articles, and books related to such technologies. He has also worked closely with experts related to such technologies, from academia and industry.

If the Board denies the present Motion, not only is Teva denied its choice of counsel, but it would also be prejudiced by having to undertake the burdensome task—at great cost—to prepare another attorney to replace Mr. Milliken's specific combination of familiarity with the concurrent litigation, the '214 patent, the

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