

Case IPR2016-01315
U.S. Patent No. 8,466,172

Filed on behalf of: GlaxoSmithKline LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLAXOSMITHKLINE LLC,
Petitioner

v.

FIBROGEN, INC.,
Patent Owner

Case IPR2016-01315
Patent 8,466,172

**MOTION FOR LISA M. FERRI TO APPEAR *PRO HAC VICE* ON
BEHALF OF PETITIONER GLAXOSMITHKLINE LLC**

I. STATEMENT OF REQUESTED RELIEF

Pursuant to the Board's July 12, 2016 Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response authorizing motions for *pro hac vice* admission (Paper No. 3, at 2), and 37 C.F.R. §§ 42.10(c) and 42.22, Petitioner GlaxoSmithKline LLC ("GSK") hereby moves for an Order allowing Lisa M. Ferri of Mayer Brown LLP to appear *pro hac vice* on behalf of GSK in the above-captioned case.

II. EXHIBIT RELIED UPON FOR THIS MOTION

For this motion, Patent Owner relies on GSK Exhibit No. 1048 – Declaration of Lisa M. Ferri in Support of Motion to Appear *Pro Hac Vice* on Behalf of Petitioner GlaxoSmithKline LLC and GSK Exhibit No. 1049 – Mayer Brown Professional Profile of Lisa M. Ferri.

III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth below in the Statement of Material Facts, GSK has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Ms. Ferri *pro hac vice*. In particular, Ms. Ferri is an experienced litigation attorney and has been involved in numerous litigations involving patent infringement in various U.S. District Courts. GSK Exhibit No. 1048. Ms. Ferri has represented GSK on numerous patent matters over several years and has assisted GSK in developing its legal strategies related to the patent that is the subject of this IPR. Thus, Ms. Ferri

has an established familiarity with the Petitioner and the subject matter of this IPR. GSK Exhibit No. 1048 ¶ 3. In light of Ms. Ferri's long relationship with GSK and her knowledge related to this patent, it is important to GSK to have Ms. Ferri as counsel in this proceeding.

IV. STATEMENT OF MATERIAL FACTS

37 C.F.R. § 42.10(c) states that “[t]he 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.” As an initial matter, Lead Counsel for Petitioner GSK in this *inter partes* review proceeding is Brian W. Nolan. Mr. Nolan is registered to practice before the United States Patent and Trademark Office and holds Registration No. 45,821. Furthermore, the following statement of facts demonstrates that Ms. Ferri is an experienced litigation attorney and has an established familiarity with the subject matter at issue, and accordingly, there is good cause for the Board to recognize Ms. Ferri *pro hac vice*.

As set forth in the GSK Exhibit No. 1049, Ms. Ferri is a partner in the Intellectual Property group of Mayer Brown LLP and is the head of the New York IP group. GSK Exhibit No. 1048 ¶ 1. Ms. Ferri is an experienced litigation attorney and has an established familiarity with the subject matter at issue in this proceeding. GSK Exhibit No. 1048 ¶ 3. In particular, Ms. Ferri has over 20 years of experience as a patent litigator, including many cases in the pharmaceutical and biotechnology fields for GSK. She has appeared as lead trial counsel before the United States District Courts and the U.S. International Trade Commission. Furthermore, she has represented clients as lead counsel before the United States Court of Appeals for the Federal Circuit. *Id.* ¶ 1

Ms. Ferri has served as an adjunct professor of law at Fordham University School of Law, where she teaches Patent Litigation. GSK Exhibit No. 1048 ¶ 2. Prior to private practice, Ms. Ferri served as law clerk to Chief Judge Edward D. Re, U.S. Court of International Trade, who also sat by designation on a number of courts of appeal including the Federal Circuit. *Id.* ¶ 2

Ms. Ferri served as lead counsel for GSK on several patent litigation matters and has been integral in advising GSK regarding the patent in this IPR. Therefore, Ms. Ferri is a trusted advisor to GSK on patent matters. *Id.* ¶ 3

Ms. Ferri has 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.

Id. ¶ 8. Ms. Ferri also agrees to be subject to the United States Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *Id.* ¶ 9.

Finally, Ms. Ferri has attested to the remaining elements of Paragraph 2(b) of the representative “Order – Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00639. *Id.* ¶¶ 4-7, ¶ 10. Namely, she is a member in good standing of the Bar of New York and the Bar of New Jersey and is admitted to practice before the U.S. Supreme Court, the U.S. Court of Appeals for the Federal Circuit and several additional courts including the U.S. District Court for the Southern District of New York. *Id.* ¶ 4. Ms. Ferri has never been suspended, disbarred or sanctioned by a court or administrative body. *Id.* ¶ 5. She has never had a court or administrative body deny her application for admission to practice. *Id.* ¶ 6. She has never been sanctioned or cited for contempt by any court or administrative body. *Id.* ¶ 7. She has applied for and been admitted *pro hac vice* in three proceedings before the U.S. Patent and Trademark Office in the past three (3) years, *Ranbaxy Laboratories Ltd. et al., v. Vertex Pharmaceuticals Incorporated*, Case IPR2013-00024, *Lupin Limited v. Vertex Pharmaceuticals Incorporated*, Case IPR2015-00405 and *Sanofi-Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc. v. Genentech, Inc. and City of Hope*, Case IPR2015-01624. *Id.* ¶10. Recently, Ms. Ferri submitted *pro hac vice* motions in *Lupin Limited v.*

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Vertex Pharmaceuticals, Inc., Case IPR2016-00558, and *Genzyme Corp. v. Genentech, Inc. and City of Hope*, Case IPR2016-00460. Decisions on those motions are pending.

V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), GSK respectfully moves for an Order allowing Lisa M. Ferri of Mayer Brown LLP to appear *pro hac vice* on behalf of GSK in the above-captioned case.

Respectfully submitted,

Dated: July 19, 2016

/s/ Brian Nolan

Brian W. Nolan (Reg. No. 45,821)
Lisa M. Ferri (*pro hac vice* motion
filed)

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Motion for Lisa M. Ferri to Appear *PRO HAC VICE* on Behalf of Petitioner GlaxoSmithKline LLC, GSK Exhibit No. 1048 – Declaration of Lisa M. Ferri in Support of Motion to Appear *Pro Hac Vice* on Behalf of Petitioner GlaxoSmithKline LLC, and GSK Exhibit No. 1049 – Mayer Brown Professional Profile of Lisa M. Ferri, were served on July 19, 2016, via email pursuant to consent from Patent Owner to electronic service by email, to counsel for Patent Owner at the following addresses:

FibroGen, Inc.
409 Illinois Street
San Francisco, CA 94158

Dated: July 19, 2016

/s/ Brian Nolan
Brian W. Nolan (Reg. No. 45,821)