

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC
Petitioner

v.

CIPLA LIMITED
Patent Owner

CASE IPR2017-00807

U.S. Patent No. 8,168,620

**PATENT OWNER CIPLA LIMITED'S MOTION
FOR *PRO HAC VICE* ADMISSION OF
UMA N. EVERETT UNDER 37 C.F.R. § 42.10(c)**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Cipla Limited (“Cipla”) requests the *pro hac vice* admission of Uma N. Everett in this proceeding. In email correspondence between Petitioner and Patent Owner dated February 22, 2017, Petitioner agreed not to oppose this motion. Patent Owner seeks *pro hac vice* admission of Ms. Everett in advance of the filing of Patent Owner’s Preliminary Response to the Petition.

II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) states as follows:

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 Board has stated that motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c) must be filed in accordance with the “Order – Authorizing Motion for *Pro*

Hac Vice Admission” entered in Case IPR2013-00010 (MPT) (“*Motorola* Order”).

See, e.g., Case IPR 2012-00006 (SGL) (Paper 18); Case IPR2012-0035 (SGL) (Paper 13).

The *Motorola* Order requires that such motions (1) “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding;” and (2) “[b]e accompanied by an affidavit or declaration of the individual seeking to appear attesting to the following”:

- i. Membership in good standing of the Bar of at least one State or the District of Columbia;
- ii. No suspensions or disbarments from practice before any court or administrative body;
- iii. No application for admission to practice before any court or administrative body ever denied;
- iv. No sanctions or contempt citations imposed by any court or administrative body;
- v. The individual seeking to appear 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 the C.F.R.;
- vi. The individual will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R.

§§ 10.20 et seq. and disciplinary jurisdiction under
37 C.F.R. § 11.19(a);

- vii. All other proceedings before the Office for which
the individual has applied to appear *pro hac vice* in
the last three (3) years; and
- viii. Familiarity with the subject matter at issue in the
proceeding.

III. STATEMENT OF FACTS

Based on the following facts, and supported by the Affidavit of Ms. Everett
(Ex. 2139) submitted herewith, Patent Owner requests the *pro hac vice* admission of
Uma N. Everett in this proceeding:

1. Patent Owner's lead counsel, Dennies Varughese, is a registered
practitioner (Reg. No. 61,868).
2. Ms. Everett is a Director at the law firm of Sterne, Kessler, Goldstein
and Fox P.L.L.C. (Ex. 2139 at ¶ 3.)
3. Ms. Everett is an experienced patent litigation attorney. Ms. Everett has
been a litigating attorney for more than 15 years. (*Id.* at ¶ 4.) Ms. Everett
has been litigating patent cases for more than 12 years during the entire
time period. (*Id.*)

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4. Ms. Everett is a member of good standing of the Bar of the District of Columbia. (*Id.* at ¶ 5.)
5. Ms. Everett has never been suspended or disbarred from practice before any court or administrative body. (*Id.* at ¶ 6.)
6. No application of Ms. Everett for admission to practice before any court or administrative body has ever been denied. (*Id.* at ¶ 7.)
7. No sanctions or contempt citations have ever been imposed against Ms. Everett by any court or administrative body. (*Id.* at ¶ 8.)
8. Ms. Everett 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 the C.F.R. (*Id.* at ¶ 9.)
9. Ms. Everett understands that she will be subject to the Office's Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* at ¶ 10.)
10. Ms. Everett has not applied to appear *pro hac vice* in any proceedings before the Office in the past three years. (*Id.* at ¶ 11.)

IV. GOOD CAUSE EXISTS FOR THE *PRO HAC VICE* ADMISSION OF MS. EVERETT IN THIS PROCEEDING

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. 37 C.F.R. § 42.10(c). Patent Owner's lead counsel, Dennies Varughese, Pharm.D., is a registered practitioner. Based on the facts contained herein, as supported by Ms. Everett's Affidavit, good cause exists to admit Ms. Everett *pro hac vice* in this proceeding.

Ms. Everett has an established familiarity with the subject matter at issue in this proceeding. (Ex. 2139 at ¶¶ 12-14.)

Ms. Everett has reviewed in detail the pleadings submitted by Petitioner in this proceeding. (*Id.* at ¶ 14.) Ms. Everett has reviewed in detail the challenged patent, U.S. Patent No. 8,168,620 ("the '620 patent"). (*Id.* at ¶ 12.) She has also reviewed in detail exhibits relied upon by Petitioner, such as Exhibit 1003 (Declaration of Robert Schleimer) and Exhibit 1004 (Declaration of Maureen Donovan). (*Id.*) Ms. Everett has represented the Patent Owner and exclusive licensee (Meda Pharmaceuticals, Inc.) in district court litigation that has been ongoing since December 2014. (*Id.* at ¶ 13.) Ms. Everett has engaged in strategic and substantive discussions regarding this

proceeding with Dennies Varughese, Pharm.D., who is the lead counsel for Patent Owner in this proceeding. (*Id.* at ¶ 15.)

In addition, Ms. Everett has extensive experience litigating patent cases in the biotech and chemical arts and is familiar with the technological and scientific principles relevant to the '620 patent. (*Id.* ¶ 13.) Thus, Ms. Everett has an established familiarity with the subject matter at issue in this proceeding. Ms. Everett's significant litigation experience and expertise will be of great value to the Patent Owner in this proceeding particularly with respect to an upcoming deposition in this proceeding.

Based on the facts contained herein, as supported by Ms. Everett's Affidavit, good cause exists to admit Ms. Everett *pro hac vice* in this proceeding.

V. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that Ms. Everett be admitted *pro hac vice* in this proceeding.

The Patent Trial and Appeal Board is hereby authorized to charge any fees associated with this filing to Deposit Account 19-0036 (Customer ID No. 45324).

Respectfully Submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Date: May 30, 2017
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Dennies Varughese
Lead Attorney for Patent Owner
Registration No. 61,868

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above-captioned “Cipla Limited’s Motion for *Pro Hac Vice* Admission of Uma N. Everett under 37 C.F.R. § 42.10(c)” was served in its entirety on May 30, 2017, upon the following parties via email:

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Dennies Varughese
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