

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOVARTIS PHARMACEUTICALS CORPORATION,
Petitioner

v.

PLEXXIKON INC.,
Patent Owner

Case No.: IPR2018-01287
U.S. PATENT NO. 9,469,640

**PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF DAVID
MLAVER**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Submitted Electronically via the Patent Review Processing System

Pursuant to 37 C.F.R. §42.10(c), Petitioner Novartis Pharmaceuticals Corporation (“NPC”) hereby moves for the *pro hac vice* admission of its counsel, David Mlaver.

The facts, supported by the attached Declaration of David Mlaver in Support of Motion for Admission *Pro Hac Vice* (“Mlaver Dec.”), establish good cause to admit Mr. Mlaver *pro hac vice* in this proceeding.

1. Lead counsel, Robert H. Underwood, is a registered practitioner.
2. Counsel, David Mlaver, is an experienced litigating attorney. Mr. Mlaver has been a litigating attorney for more than four (4) years. Mlaver Dec. at ¶ 1. Mr. Mlaver has been litigating patent cases for at least three (3) of those years and spent the remaining year as a judicial clerk to the Hon. Robert W. Schroeder III of the United States District Court for the Eastern District of Texas. *Id.* at ¶ 2. Mr. Mlaver is a member in good standing of the Bar of the District of Columbia and is admitted to practice in Maryland, the U.S. Court of Appeals for Veterans Claims, and the U.S. Court of Appeals for the Federal Circuit. *Id.* at ¶ 3. Mr. Mlaver is also admitted *pro hac vice* in patent cases in the U.S. District Courts for the Northern and Central Districts of California and the Southern District of New York. *Id.* Mr. Mlaver has no suspensions or disbarments from practice, nor had

any application for admission to practice denied, nor any sanctions or contempt citations imposed by any court or administrative body. *Id.* at ¶ 4.

3. Mr. Mlaver 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.* at ¶ 5. Mr. Mlaver will be subject to the USPTO 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 ¶ 6.

4. Mr. Mlaver has not applied to appear *pro hac vice* in any proceeding before the Office in the last three (3) years. *Id.* at ¶ 7.

5. Mr. Mlaver has great familiarity with the subject matter at issue in this proceeding. *Id.* at ¶ 8. In particular, Mr. Mlaver is counsel for NPC in related District Court, *Plexxikon Inc. v. Novartis Pharmaceuticals Corp.*, Case No. 4:17-cv-04405-HSG (N.D. Cal) (filed Aug. 3, 2017), in which U.S. Patent No. 9,469,640 is asserted. *Id.* In connection with that case, Mr. Mlaver was actively involved in preparing, *inter alia*, NPC's invalidity contentions, which largely overlap with the grounds of invalidity asserted in the instant Petition. *Id.*

Respectfully submitted,

Dated: June 18, 2018

/Robert H. Underwood, Reg. No. 45,170/

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**Lead Counsel for Petitioner Novartis
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CERTIFICATE OF SERVICE

Pursuant to C.F.R. §§ 42.6(e), I certify that, on June 18, 2018, I caused to be served true and correct copies of the foregoing “PETITIONER’S MOTION FOR ADMISSION *PRO HAC VICE* OF DAVID MLAVER” by Electronic Service (email and FTP) at the correspondence address of record for U.S. Patent No. 9,469,640 and additionally at other addresses known as likely to effect service, as follows:

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