

Filed: March 21, 2016

Filed on behalf of Petitioners,

Lupin Limited and Lupin Pharmaceuticals, Inc.

By: Christy G. Lea

Kerry S. Taylor

Benjamin Anger

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, 14th Floor

Irvine, CA 92614

Tel.: (949) 760-0404

Fax: (949) 760-9502

Email: BoxLupin15B@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUPIN LIMITED
AND LUPIN PHARMACEUTICALS INC.,
Petitioners

v.

iCEUTICA PTY LTD.

Patent Owner

Case No. IPR2016-00399

U.S. Patent No. 9,017,721

**MOTION FOR WILLIAM R. ZIMMERMAN TO
APPEAR *PRO HAC VICE* ON BEHALF OF PETITIONERS**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to the Board's Notice of Filing Date (Paper 3) and 37 C.F.R. §§ 42.10(c) and 42.22, Petitioners Lupin Limited and Lupin Pharmaceuticals Inc. (collectively, "Lupin") hereby move for an Order allowing William R. Zimmerman of Knobbe, Martens, Olson & Bear, LLP to appear *pro hac vice* on behalf of Lupin in the above-captioned case.

II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION

Lupin Exhibit 1039 – Declaration of William R. Zimmerman in Support of Motion to Appear *Pro Hac Vice* on Behalf of Petitioners.

III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth below in the Statement of Material Facts, Lupin has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Mr. Zimmerman *pro hac vice*. In particular, Mr. Zimmerman is an experienced litigating attorney who has represented clients in numerous patent litigation cases in various United States District Courts and the Court of Appeals for the Federal Circuit, including technically and legally complex matters such as will be present in this proceeding. Accordingly, allowing Mr. Zimmerman to appear *pro hac vice* on behalf of Lupin is appropriate in this proceeding.

IV. STATEMENT OF MATERIAL FACTS

1. 37 C.F.R. § 42.10(c) provides 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.”

2. Lead counsel in this *inter partes* review proceeding is Christy G. Lea. Ms. Lea is registered to practice before the United States Patent and Trademark Office and holds Registration No. 51,754.

3. As set forth in Lupin Exhibit 1039 (the “Zimmeran Decl.”), Mr. Zimmerman is an experienced litigating attorney and has an established familiarity with the subject matter at issue in this proceeding. (Zimmerman Decl. ¶ 4.) In particular, Mr. Zimmerman has over 16 years of experience as a patent litigator and has represented clients in numerous patent litigation cases in various United States District Courts and the Court of Appeals for the Federal Circuit. (*Id.* ¶¶ 2, 3.) In addition, Mr. Zimmerman has experience in *inter partes* review proceedings, for example, IPR2013-00024, IPR2013-00128, IPR2013-00266,

IPR2013-00517, IPR2013-00518, IPR2014-01093, IPR2015-00265, and IPR2015-00268.

4. Further, Mr. Zimmerman holds a Bachelor of Science degree in Chemical Engineering from the University of Notre Dame and served as a law clerk to the Honorable Alvin A. Schall, Circuit Judge of the United States Court of Appeals for the Federal Circuit. (*Id.* ¶ 3.) Moreover, Mr. Zimmerman is experienced with technically and legally complex matters in the field of chemistry and biotechnology. (*Id.*)

5. With regard to U.S. Patent No. 9,017,721 (the “’721 patent”), the patent at issue in this proceeding, Mr. Zimmerman is familiar with the ’721 patent, and with the legal subject matter, technical subject matter, and prior art discussed in Petitioners’ request for *inter partes* review of the ’721 patent, which forms the basis of this proceeding. (*Id.* ¶ 4.) In view of his legal experience, technical background, and familiarity with the issues in the present matter, Lupin has requested his services in the present matter. Denial of his appearance in this case would create an undue burden on Lupin. (*Id.*)

6. Mr. Zimmerman 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.* ¶ 9.) Mr. Zimmerman also agrees to be subject to the United States Patent and Trademark Office Rules of Professional Conduct set forth in 37 C.F.R.

Lupin v. iCeutica Pty Ltd
IPR2016-00399

§§ 11.101 *et seq.*, and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (*Id.* ¶ 10.)

7. Finally, Mr. Zimmerman 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, Paper 7. (*Id.* ¶¶ 4-11; *see* Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 3) at 2.)

V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Lupin hereby moves for an Order allowing William R. Zimmerman of Knobbe, Martens, Olson, & Bear, LLP to appear *pro hac vice* on behalf of Lupin in the above-captioned case.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 21, 2016

By: Benjamin Anger/

Christy G. Lea (Reg. No. 51,754)

Kerry Taylor (Reg. No. 43,947)

Benjamin B. Anger (Reg. No. 62,207)

Attorneys for Petitioners, Lupin Limited
and Lupin Pharmaceuticals, Inc.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.