

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,

Petitioner

v.

BOEHRINGER INGELHEIM INTERNATIONAL GMBH,

Patent Owner

IPR2016-01566

U.S. Patent No. 9,173,859

**PATENT OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
JEANNA WACKER PURSUANT TO 37 C.F.R. § 42.10(C)**

Boehringer Ingelheim International GmbH (“Boehringer”) requests, pursuant to 37 C.F.R. §§ 42.10(b) and (c), the Board to recognize Jeanna Wacker as co-counsel *pro hac vice* during this proceeding. A power of attorney from Patent Owner so appointing her, was filed on August 31, 2016. (Paper 5) This motion is being filed no sooner than 21 days after service of the IPR petition.

Boehringer’s lead and back-up counsel are registered practitioners:

- Leora Ben-Ami (Reg. No. 32,455)
- Eugene Goryunov (Reg. No. 61,579)
- Mira Mulvaney (Reg. No. 69,850)

As demonstrated below, there is good cause for the Board to recognize Ms. Wacker *pro hac vice*.

First, Ms. Wacker is an experienced patent litigation attorney with more than 13 years of experience. She has been involved in numerous litigations in federal district courts in District of Massachusetts, Southern District of New York, District of New Jersey, Northern District of California, Northern District of Illinois, Eastern District of Missouri and the District of Delaware. Ms. Wacker has served as lead counsel equivalent in her cases, both in crafting complex litigation strategy and at trial. She has never been suspended, disbarred, sanctioned, denied admission to practice or cited for contempt by any court or administrative body.

Second, Ms. Wacker has an established familiarity with the subject matter at issue in this proceeding. She has appeared in *Boehringer Ingelheim Pharmaceuticals Inc. et al v. HEC Pharm Co. Ltd. et al*, Case No. 3:15-cv-05982-PGS-TJB (D.N.J.) (consolidated) where U.S. Patent No. 9,173,859 is currently being asserted. As counsel in this case, Ms. Wacker is deeply involved in all aspects of the litigation, including all issues related to the invalidity of U.S. Patent No. 9,173,859, such as, for example, claim construction, prior art, and inventor testimony.

In sum, Boehringer's lead and backup counsel are registered practitioners, Ms. Wacker is an experienced patent litigation attorney, and Ms. Wacker has an established familiarity with the subject matter at issue in this proceeding. Boehringer submits that there is good cause for the Board to recognize Ms. Wacker as counsel *pro hac vice* in this proceeding.

This Motion for Admission *Pro Hac Vice* is accompanied and supported by a Declaration of Ms. Jeanna Wacker, which is appended to this motion.

Date: November 10, 2016

Respectfully submitted,

/s/ Leora Ben-Ami

Leora Ben-Ami (Reg. No. 32,455)

Mira Mulvaney (Reg. No. 69,850)

KIRKLAND & ELLIS LLP

IPR2016-01566

U.S. Patent No. 9,173,859

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**DECLARATION OF JEANNA WACKER IN SUPPORT OF PATENT
OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION OF JEANNA
WACKER PURSUANT TO 37 C.F.R. § 42.10(C)**

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