

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PADAGIS ISRAEL PHARMACEUTICALS LIMITED;
PADAGIS US LLC; AND PADAGIS, LLC,

Petitioner,

v.

BAUSCH HEALTH US, LLC,

Patent Owner.

IPR2023-01114
U.S. Patent No. 11,311,482

Before EMANUEL T. MINES, *Trial Paralegal*

**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF
CHRISTOPHER M. BRUNO**

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Pursuant to the Board’s July 24, 2023, Notice of Filing Date Accorded (Paper 6) and 37 C.F.R. §§ 42.10(c) and 42.22, Patent Owner, Bausch Health Ireland Limited (“Bausch Ireland”) hereby moves for an Order allowing Christopher M. Bruno to appear *pro hac vice* on behalf of Bausch Ireland in the above-captioned case.¹ Bausch Ireland has conferred with counsel for Petitioners Padagis Israel Pharmaceuticals, Limited, Padagis US, LLC and Padagis, LLC (collectively, “Padagis”), and Padagis’s counsel indicated that Padagis does not intend to oppose Bausch Ireland’s motion to allow Mr. Bruno to appear *pro hac vice* in this matter.

II. LIST OF EXHIBITS RELIED UPON FOR THIS MOTION

Patent Owner Exhibit 2024 – Declaration of Christopher M. Bruno in Support of Motion to Appear *Pro Hac Vice* on Behalf of Patent Owner.

III. REASONS THE REQUESTED RELIEF SHOULD BE GRANTED

As set forth below in the Statement of Material Facts, Bausch Ireland has made all of the showings required under 37 C.F.R. § 42.10(c) for recognizing Mr. Bruno *pro hac vice*. In particular, Mr. Bruno is an experienced litigation 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.

¹ Bausch Health Ireland Limited, not Bausch Health US, LLC, is the patent owner.

Furthermore, Mr. Bruno has great familiarity with U.S. Pat. No. 11,311,482 (the “482 patent”), the patent at issue in this proceeding. Accordingly, allowing Mr. Bruno to appear *pro hac vice* on behalf of Bausch Ireland 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 for Bausch Ireland in this *inter partes* review proceeding is April E. Weisbruch. Ms. Weisbruch is registered to practice before the United States Patent and Trademark Office and holds Registration No. 65,783.

3. Christopher M. Bruno is an experienced patent litigator who was first admitted to the bar in 2010. Bruno Dec. at ¶ 1. Mr. Bruno has acted as counsel in numerous patent cases over the past 13 years. *Id.* ¶ 2. Mr. Bruno is a member in good standing of the Bars of the District of Columbia and the State of New York and

is admitted to practice in the Supreme Court of the United States, the United States Court of Appeals for the Sixth Circuit, the United States Court of Appeals for the Seventh Circuit, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Federal Circuit, the United States District Court for the District of Columbia, the United States District Court for the Southern District of New York, the United States District Court for the District of Columbia, and the United States Tax Court. *Id.* ¶ 3. Mr. Bruno has also been admitted *pro hac vice* in at least the United States District Court for the Central District of California, the United States District Court for the Southern District of California, the United States District Court for the District of Delaware, the United States District Court for the Western District of Michigan, the United States District Court for the District of New Jersey, the United States District Court for the Middle District of Tennessee, the United States District Court for the Southern District of Texas, the United States District Court for the Western District of Washington, and the United States District Court for the Northern District of West Virginia. *Id.*

4. Mr. Bruno 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.* ¶ 4.

5. Mr. Bruno 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

Title 37 of the Code of Federal Regulations. *Id.* ¶ 5. Mr. Bruno also agrees to be subject to the United States Patent and Trademark Office 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.* ¶ 6.

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

1. Mr. Bruno has great familiarity with the subject matter at issue in this proceeding. *Id.* ¶ 8. In particular, Mr. Bruno is counsel for Bausch Ireland in the related district court proceeding involving the same patent that is the subject of this *inter partes* review proceeding, U.S. Patent No. 11,311,482. *Bausch Health Ireland Ltd. et al. v. Padagis Israel Pharmaceuticals Ltd. et. al.*, Civil Action No. 22-4248 (D.N.J.) (cons.) (filed June 24, 2022). *Id.* Mr. Bruno was intimately involved in preparing among other things, Bausch Health Ireland Limited’s responses to Padagis’s invalidity contentions, which largely overlap with the grounds of invalidity asserted here. I also served as counsel for Patent Owner Bausch Health Ireland Limited in a trial against Padagis relating to patents involving similar subject matter. *See Bausch Health Ireland Ltd. v. Padagis Israel Pharms. Ltd.*, No. 20-5426 (D.N.J. mem. op. Dec. 1, 2022).

7. Finally, Mr. Bruno 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.* ¶¶ 1–8; Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner and Preliminary Response (Paper 6) at 2.

V. CONCLUSION

In view of the foregoing, and having satisfied the requirements of 37 C.F.R. § 42.10(c), Bausch Ireland hereby moves for an Order allowing Christopher M. Bruno of McDermott Will & Emery, LLP, to appear *pro hac vice* on behalf of Bausch Ireland in the above-captioned case.

Dated: November 9, 2023

Respectfully submitted,

/April E. Weisbruch/

April E. Weisbruch (No. 65,783)
McDERMOTT WILL & EMERY LLP

Counsel for Patent Owner
Bausch Health Ireland Limited

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **PATENT OWNER'S MOTION FOR
ADMISSION *PRO HAC VICE* OF CHRISTOPHER M. BRUNO** was sent on
November 9, 2023, via e-mail to the attorneys of record at the following addresses.

Carol Pitzel Cruz
KNOBBE, MARTENS, OLSON & BEAR, LLP
925 Fourth Ave., Ste. 2500
Seattle, WA 98104

Brian Barnes
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

Andrea Cheek
KNOBBE, MARTENS, OLSON & BEAR, LLP
1717 Pennsylvania Ave, N.W.
Washington, D.C. 20006

PadagisIPR482@knobbe.com

/April E. Weisbruch/
April E. Weisbruch (No. 65,783)