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UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

TRIANTAFYLLOS TAFAS,)
Plaintiff,)
v.) Civil Action No. 1:07cv846(L) (JCC/TRJ)
JON W. DUDAS, et al.,	
Defendants.)))
CONSO	LIDATED WITH
SMITHKLINE BEECHAM CORP., d/b/a GLAXOSMITHKLINE, et al.,))
Plaintiffs,)) Civil Action No. 1:07cv1008 (JCC/TRJ)
v.	
JON W. DUDAS, et al.,))
Defendants.)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AGAINST PLAINTIFF TRIANTAFYLLOS TAFAS

Defendants Jon W. Dudas, in his official capacity as Under-Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and the United States Patent and Trademark Office, respectfully move this Court for an Order entering summary judgment against Plaintiff Triantafyllos Tafas. See Fed. R. Civ. P. 56(c). The grounds for this motion are set forth in the contemporaneously-filed Memorandum in Support of Defendants' Motions for Summary Judgment, which, in the interest of economy, combines Defendants' briefs in support of this motion and in support of Defendants' Motion for Summary

Filed 12/20/2007

Judgment Against the "GlaxoSmithKline" Plaintiffs.¹

Respectfully submitted,

CHUCK ROSENBERG UNITED STATES ATTORNEY

By:

/s/ Lauren A. Wetzler Ralph Andrew Price, Jr. R. Joseph Sher **Assistant United States Attorneys** Attorneys for All Defendants Justin W. Williams U.S. Attorney's Building 2100 Jamieson Avenue Alexandria, Virginia 22314 Tel: (703) 299-3752

Fax: (703) 299-3983 Lauren. Wetzler@usdoj.gov

OF COUNSEL: James A. Toupin General Counsel

Stephen Walsh Acting Deputy General Counsel and Solicitor

In these consolidated cases, there are two pending complaints, raising differing claims, for which the plaintiffs are submitting two separate summary judgment motions. See Dkt. No. 108 ("Tafas seeks this modest increase in the page limitation because Tafas has substantially more claims than the other plaintiff (i.e., GSK), including, without limitation, approximately twice as many statutory claims (i.e. 16), three (3) constitutional claims, as well as a Regulatory Flexibility Act claim."). The Court previously authorized the filing of briefs of forty pages in support of the parties' motions for summary judgment. See Dkt. No. 102, Am. Order, Dec. 5, 2007. Plaintiff Tafas and the GlaxoSmithKline Plaintiffs have since sought page extensions to fifty and forty-five pages, respectively. See Dkt. Nos. 108, 116. The brief filed in support of the present Motion is combined with that filed in support of Defendants' Motion for Summary Judgment Against the GlaxoSmithKline Plaintiffs. The combined brief contains fewer pages (seventy) than the total pages permitted by the Court's Order (eighty). For that reason, no motion to exceed the page limitation was thought necessary. To the extent the Court may consider it appropriate to seek leave to file a single brief of seventy pages in lieu of two briefs of forty pages each, the USPTO hereby respectfully moves for such leave for good cause shown.

William Covey Deputy General Counsel

William G. Jenks Janet A. Gongola Nathan Kelley William LaMarca Associate Solicitors

Jennifer M. McDowell Associate Counsel

United States Patent and Trademark Office

CERTIFICATE OF SERVICE

I hereby certify that on December 20, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Joseph Dale Wilson, III Kelley Drye & Warren LLP Washington Harbour 3050 K Street NW Suite 400 Washington, DC 20007

Email: jwilson@kelleydrye.com

Joanna Elizabeth Baden-Mayer Collier Shannon & Scott PLLC 3050 K St NW Suite 400 Washington, DC 20007-5108

E-mail: jbaden-mayer@kelleydrye.com

Counsel for Plaintiff Triantafyllos Tafas, 1:07cv846

Elizabeth Marie Locke Kirkland & Ellis LLP 655 15th St NW Suite 1200 Washington, DC 20005

Email: elocke@kirkland.com

Craig Crandell Reilly
Richard McGettigan Reilly & West PC
1725 Duke St
Suite 600
Alexandria, VA 22314

Email: craig.reilly@rmrwlaw.com

Daniel Sean Trainor Kirkland & Ellis LLP 655 15th St NW Suite 1200 Washington, DC 20005

Email: dtrainor@kirkland.com

Counsel for Plaintiffs SmithKline Beecham Corp. d/b/a GlaxoSmithKline, SmithKline Beecham PLC, and Glaxo Group Limited, d/b/a GlaxoSmithKline, 1:07cv1008

Thomas J. O'Brien Morgan, Lewis & Bockius 1111 Pennsylvania Ave, NW Washington, DC 20004 Email: to'brien@morganlewis.com

Counsel for Amicus American Intellectual Property Lawyers Association

Dawn-Marie Bey Kilpatrick Stockton LLP 700 13th St NW Suite 800 Washington, DC 20005 Email: dbey@kslaw.com

Counsel for Amicus Hexas, LLC, The Roskamp Institute, Tikvah Therapeutics, Inc.

James Murphy Dowd Wilmer Cutler Pickering Hale & Dorr LLP 1455 Pennsylvania Ave NW Washington, DC 20004 Email: james.dowd@wilmerhale.com

Counsel for Amicus Pharmaceutical Research and Manufacturers of America

Randall Karl Miller Arnold & Porter LLP 1600 Tysons Blvd Suite 900 McLean, VA 22102 Email: randall miller@aporter.com

Counsel for Amicus Biotechnology Industry Organization

Rebecca M. Carr Pillsbury Winthrop Shaw Pittman, LLP 2300 N Street, NW Washington, DC 20037 Rebecca.carr@pillsburylaw.com

Scott J. Pivnick Pillsbury Winthrop Shaw Pittman 1650 Tysons Boulevard McLean, Virginia 22102-4856 Scott.pivnick@pillsburylaw.com

Counsel for Amicus Elan Pharmaceuticals, Inc.

Charles Gorenstein Birch Stewart Kolasch & Birch LLP 8110 Gatehouse Rd. P.O. Box 747 Falls Church, VA 22040-0747 cg@bskb.com

Counsel for Amicus Intellectual Property Institute of William Mitchell College of Law

Craig James Franco Odin Feldman & Pittleman PC 9302 Lee Highway Suite 1100 Fairfax, VA 22031 craig.franco@ofplaw.com

Counsel for Putative Amicus Polestar Capital Associates, LLC and Norseman Group, LLC

Robert Emmett Scully, Jr. Stites & Harbison, PLLC 1199 North Fairfax St. Suite 900 Alexandria, VA 22314 rscully@stites.com

Counsel for Putative Amicus Human Genome Sciences, Inc.

Matthew Christian Schruers Morrison & Foerster 2000 Pennsylvania Ave NW **Suite 5500** Washington, DC 20006-1888 Mschruers@ccianet.org

Counsel for Putative Amicus Public Patent Foundation et al.

 $/_{\rm S}/$

LAUREN A. WETZLER **Assistant United States Attorney** Justin W. Williams U.S. Attorney's Building 2100 Jamieson Avenue Alexandria, Virginia 22314 Tel: (703) 299-3752

Fax: (703) 299-3983

Lauren.Wetzler@usdoj.gov

Counsel for All Defendants