

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

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TRIANTAFYLLOS TAFAS,	)	
	)	
Plaintiff,	)	1:07cv846 (JCC/TRJ)
	)	
v.	)	
	)	
JON W. DUDAS, et al.,	)	
	)	
Defendants.	)	

**CONSOLIDATED WITH**

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SMITHKLINE BEECHAM	)	
CORPORATION, et al.	)	1:07cv1008 (JCC/TRJ)
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
JON W. DUDAS, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM IN SUPPORT OF *AMICUS CURIAE* WASHINGTON LEGAL  
FOUNDATION’S MOTION FOR LEAVE TO FILE ITS BRIEF**

It is within this Court’s broad discretion to allow non-parties to participate as *amicus curiae*. *Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003). The Court may allow an *amicus* brief when it is “timely and useful.” *Waste Mgmt. of Pa. v. City of York*, 162 F.R.D.

34, 36 (M.D. Pa. 1995). When the amicus has “unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide” or can “offer insights not available from the parties,” the amicus brief should be allowed. *Cobell*, 246 F. Supp. 2d at 62; *Citizens Against Casino Gambling in Erie County v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 2007).

WLF wishes to submit its *amicus* brief addressing the PTO’s proposed rules, which significantly change the terms for applying and receiving a patent in the United States. The Washington Legal Foundation is a non-profit public interest law and policy center with supporters in all 50 states. WLF devotes a substantial portion of its resources to defending free-enterprise, individual rights, and a limited and accountable government. In particular, WLF has frequently appeared in federal and state courts to protect property rights, including intellectual property rights, against intrusion by governments and third parties. *See, e.g., Ferring v. Barr Laboratories*, 437 F.3d 1181 (Fed. Cir.), *cert. denied*, 127 S. Ct. 515 (2006); *Brown v. Legal Found. of Washington*, 538 U.S. 216 (2003); *Phillips v. Washington Legal Found.*, 524 U.S. 156 (1998).

WLF has developed a unique perspective on achieving and implementing the goals of protecting property rights that could be useful in assisting the Court in addressing relevant property rights issues. WLF would submit its brief in a timely manner as ordered by the Court in its Order of December 19, 2007. Accordingly, WLF respectfully submits that its motion for leave to file an *amicus* brief should be granted.

Dated: December 21, 2007

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of December 2007, I electronically filed in Case Nos. 1:07cv1008 and 1:07cv846 (JCC/TRL) the foregoing Motion of *Amicus Curiae* Washington Legal Foundation for Leave to File its Brief in Support of GSK's Motion for Summary Judgment using the CM/ECF system and that service was thereby accomplished on:

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I further certify that on the 20<sup>th</sup> day of December 2007, I caused a copy of the foregoing to be served by U.S. Mail, postage prepaid, upon:

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