

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

TRIANAFYLLOS TAFAS,
Plaintiff,
v.
(JCC/TRJ)
JON W. DUDAS, et al.,
Defendants.
Civil Action No.:
1:07-cv-846 (JCC/TRJ)

CONSOLIDATED WITH

SMITHKLINE BEECHAM
CORPORATION, et al.
Plaintiffs,
v.
(JCC/TRJ)
JON W. DUDAS, et al.,
Defendants.
Civil Action No.:
1:07-cv-846 (JCC/TRJ)

Memorandum Supporting Motion Of Amicus Curiae TELES AG
Informationstechnologien For Leave To File a Brief Supporting The Plaintiffs'
Summary Judgment Motions

TELES AG Informationstechnologien ("TELES AG") moves for leave to file a
brief as amicus curiae supporting the Plaintiffs' challenge to the U.S. Patent & Trademark
Office's ("PTO") Final Rules that impose new, substantive restrictions and duties on
continuing applications and patent claims.

TELES AG is a small high-technology company based in Germany that develops
and sells products/services worldwide in the telecommunications and information

technologies industries. TELES AG has no financial interest in any of the Plaintiffs. TELES AG relies on the strength of its patents sought in the U.S. and abroad to protect its investment in developing innovations and bringing them to market. The Final Rules at issue here threaten to substantively and improperly diminish those patent rights.

TELES AG has prepared a six-page amicus brief (Attached hereto as Exhibit A) that addresses issues raised in the parties summary judgment papers from the unique perspective of a small, high-technology company in the telecommunications and information technology industry. Such amicus briefs are allowed where they can “offer insights not available from the parties” or can provide “unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide.” *Citizens Against Casino Gambling in Erie County v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 2007). Indeed, here, the parties briefs themselves rely in part on the Court hearing the diverse concerns of those affected by the Final Rules including small companies like TELES AG in the information technology industry.¹ TELES AG, therefore, respectfully request that the Court grant this motion and accept for filing and entry the attached amicus brief (Exhibit A). A proposed Order is attached.

Counsel for Plaintiffs consent to TELES AG filing the amicus brief. Counsel for Defendants take no position on TELES AG filing the amicus brief. All parties agree no hearing is required on this motion for leave to file an amicus brief.

¹ GSK’s SJ Memo at 3 (“The unparalleled outcry of opposition highlights the devastating repercussions of these rules. *Amici* representing the full breadth of industries, from information technology to biotechnology, and of all sizes ... have participated ... at the summary judgment stage.”); Tafas’ SJ Memo at 10 (“[T]he outpouring of *Amici* filings from a broad cross-spectrum of society further exemplifies that these Rules are widely perceived to be of great substantive import.”).

DATED: December 27, 2007

Respectfully submitted,

/s/David W. Long

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