

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

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

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CONSOLIDATED WITH

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

**MOTION OF *AMICUS CURIAE* AMERICAN INTELLECTUAL PROPERTY LAW  
ASSOCIATION FOR LEAVE TO FILE ITS BRIEF IN SUPPORT OF THE “GSK”  
PLAINTIFFS’ MOTION FOR A TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

The American Intellectual Property Law Association (“AIPLA”), by undersigned counsel, moves for leave to file its brief as *amicus curiae* in support of plaintiffs Smithkline Beecham Corporation, Smithkline Beecham PLC and Glaxo Group Limited’s Motion for a Temporary Restraining Order and Preliminary Injunction.

AIPLA is a national association founded more than 100 years ago and is now comprised of more than 17,000 members interested in all areas of intellectual property law. AIPLA

members include attorneys employed in private practice and by corporations, universities and government. AIPLA members represent both owners and users of intellectual property across the entire business spectrum, from very large corporations to individual inventors and in essentially all areas of technology. AIPLA has no stake in any of the parties to this litigation or the result of this case, other than its interest in avoiding irreparable injury to its members and the technology community.

AIPLA wishes to submit a brief addressing the public interest prong of the pending motion for injunctive relief. In short, AIPLA would like to explain how the community of users of the United States patent system will be irreparably harmed if the new Rules are implemented as planned on November 1, 2007. For reasons explained more fully in the accompanying memorandum in support, AIPLA believes it possesses special information and a unique perspective on this issue not otherwise available to the Court.

AIPLA is authorized to state that counsel for the GSK Plaintiffs and Mr. Tafas have consented to the filing of this brief. Defendants oppose the instant motion on the ground it comes too late, and instead should have been filed around the time the GSK Plaintiffs filed their motion. AIPLA, however, represents to the Court that it had no advance knowledge about the pending motion and acted as quickly as this large volunteer organization could manage.

The grounds for this motion are set forth more fully in the accompanying memorandum of law, which is submitted further support of the request for leave sought herein by AIPLA. The *amicus* brief that is the object of this motion is attached to AIPLA's supporting memorandum. AIPLA asks the Court to deem it filed without the need for a separate filing. Accompanying this motion is a proposed Order.

WHEREFORE, for good cause shown, the American Intellectual Property Law Association requests that the Court grant leave to file the attached *amicus* brief and deem the brief filed as of the date of this motion without need to refile.

Respectfully submitted,

James Pooley, *President*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of October 2007, I electronically filed in Case No. 1:07cv1008 (JCC/TRJ) the foregoing Motion Of *Amicus Curiae* American Intellectual Property Law Association For Leave To File Its Brief In Support Of The "GSK" Plaintiffs' Motion For A Temporary Restraining Order And Preliminary Injunction and accompanying proposed Order, using the CM/ECF system and that service was thereby accomplished on:

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I further certify that on this 25th day of October 2007, I caused a copy of the foregoing to be served by hand delivery upon:

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