

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

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

CONSOLIDATED WITH

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

**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. Indeed, the parties briefs themselves rely in part on the Court hearing the diverse concerns of those affected by the Final Rules. 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.

DATED: December 27, 2007

Respectfully submitted,

/s/David W. Long

David W. Long, No. 458029

HOWREY LLP

1299 Pennsylvania Ave., NW

Washington, DC 20004

Tel.: (202) 783-0800

Fax: (202) 383-6610

Email: longd@howrey.com

ATTORNEYS FOR AMICUS CURIAE

TELES AG INFORMATIONSTECHNOLOGIEN

CERTIFICATE OF SERVICE

I hereby certify that on the 27th Day of December, 2007, I caused a copy of the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

CHUCK ROSENBERG
UNITED STATES ATTORNEY
Lauren A. Wetzler
R. Joseph Sher
Andrew Price
Assistant United States Attorneys
Justin W. Williams
United States Attorney's Building
2100 Jamieson Avenue
Alexandria, VA 22314
Lauren.Wetzler@usdoj.gov
Counsel for All Defendants

Rebecca Malkin Carr
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, NW
Washington, DC 20037
Rebecca.carr@pillsburylaw.com
And

Scott J. Pivnick
PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Scott.pivnick@pillsburylaw.com
Counsel for Amicus Elan Pharmaceuticals, Inc.

Dawn-Marie Bey
KING & SPALDING
1700 Pennsylvania Avenue, Ste. 200
Washington, DC 20005
dbey@kslaw.com
Counsel for Amicus Hexas, LLC, The Roskamp Institute, and Tikvah Therapeutics, Inc.

Randall Karl Miller
ARNOLD & PORTER LLP
1600 Tysons Blvd., Suite 900
McLean, VA 22102
Randall_miller@aporter.com
Counsel for Amicus Biotechnology Industry Organization

Thomas J. O'Brien
MORGAN LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
To'brien@morganlewis.com
Counsel for Amicus American Intellectual Property Law Association

Joseph D. Wilson, Esq.
KELLY DRYE & WARREN LLP
3050 K Street, NW, Suite 400
Washington, DC 20007
jwilson@kelleydrye.com

and

Joanna E. Baden-Mayer
Collier Shannon & Scott PLLC
3050 K Street, NW, Suite 400
Washington, DC 20007
Jbaden-mayer@kelleydrye.com
Counsel for Plaintiff Triantafyllos Tafas (#1:07cv 846)

James Murphy Dowd
WILMER CUTLER PICKERING HALE & DORR LLP
1455 Pennsylvania Avenue, NW
Washington, DC 20004
James.dowd@wilmerhale.com
Counsel for Amicus Pharmaceutical Research and Manufacturers of America

Elizabeth M. Locke
KIRKLAND & ELLIS LLP
655 15th Street, NW, Suite 1200
Washington, DC 20005
elocke@kirkland.com

and

Craig C. Reilly
RICHARD MCGETTIGAN REILLY & WEST PC
1725 Duke Street, Suite 600
Alexandria, VA 22314
Craig.reilly@rmrwlaw.com

and

Daniel Sean Trainor
KIRKLAND & ELLIS LLP
655 15th Street, NW, Suite 1200
Washington, DC 20005
dtrainor@kirkland.com
Counsel for Plaintiffs SmithKline Beecham Corp. d/b/a GlaxoSmithKline, SmithKline Beecham PLC, and Glaxo Group Limited d/b/a GlaxoSmithKline

Blain Elizabeth Taylor
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004
btaylor@ccv.com
Counsel for Intellectual Property Owners Association

Matthew Schruers
COMPUTER & COMMUNICATIONS
Industry Association
900 17th Street, NW, Suite 1100
Washington, DC 20006
mschruers@ccianet.org
Counsel for Amicus Public Patent Foundation, Computer & Communications Industry Association, AARP, Consumer Federation of America, Essential Action, Foundation for Taxpayer and Consumer Rights, Initiative for Medicines, Access & Knowledge, Knowledge Ecology International, Prescription Access Litigation, Public Knowledge, Research on Innovation, and Software Freedom Law Center

Robert E. Scully Jr.
STITES & HARBISON PLLC
1199 North Fairfax Street, Suite 900
Alexandria, VA 22314
rscully@stites.com
Counsel for Amicus Human Genome Sciences, Inc.

Charles Gorenstein
Michael K. Mutter
BIRCH, STEWART, KOLASCH AND BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
Falls Church, VA 22042
cg@bskb.com
Counsel for Amicus Property Institute of the William Mitchell College of Law

/s/ _____
David W. Long (VSB #458029)
HOWREY LLP
1299 Pennsylvania Ave., NW
Washington, DC 20004
Tel.: (202) 783-0800
Fax: (202) 383-6610
Email: longd@howrey.com

ATTORNEYS FOR *AMICUS CURIAE*
TELES AG INFORMATIONSTECHNOLOGIEN