

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

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

CONSOLIDATED WITH

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

**MOTION OF *AMICUS CURIAE* WASHINGTON LEGAL FOUNDATION FOR LEAVE  
TO FILE ITS BRIEF IN SUPPORT OF GSK’S ANTICIPATED MOTION FOR  
SUMMARY JUDGMENT**

Washington Legal Foundation (“WLF”), by the undersigned counsel, moves for leave to file its brief as *amicus curiae* in support of the anticipated Motion of SmithKline

Beecham Corporation, SmithKline Beecham PLC and Glaxo Group Limited (collectively, “GSK”) for Summary Judgment.

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).

On December 19, 2007, this Court entered an order granting motions of five parties to file briefs as *amici curiae* in support of plaintiffs’ anticipated motions for summary judgment. The Court further ordered that any briefs filed by *amici* shall be limited to 20 pages and shall be filed by December 27, 2007.

Counsel for Plaintiffs Tafas and SmithKline Beecham Corp. have consented to the filing of WLF’s *amicus* brief. Counsel for Defendants Jon W. Dudas and the PTO take no position on the filing of this *amicus* brief.

WLF would file its brief *amicus curiae* on or before December 27, 2007, the date established in the Court’s Order of December 19, 2007, as the date by which such briefs must be filed. A proposed order is attached.

Dated: December 21, 2007

Respectfully submitted,

By:

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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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