

**AFFIDAVIT OF DANIEL A. LADOW IN SUPPORT OF
MOTION FOR *PRO HAC VICE* ADMISSION**

I, Daniel A. Ladow, being duly sworn and upon oath, hereby attest to the following:

1. I am a member in good standing of the Bar of New York (I resigned from the Rhode Island Bar in about 1986 after moving to New York), as well as the Bars of the following Federal Courts:

- a) U.S. District Court for the Eastern District of New York (1988);
- b) U.S. District Court for the Southern District of New York (1987); and
- c) U.S. Court of Appeals for the Federal Circuit (1996).

2. I have not been suspended or disbarred from practice before any court or administrative body;

3. I have never had an application for admission to practice before any court or administrative body denied;

4. No sanction or contempt citation has been imposed against me by any court or administrative body;

5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the C.F.R.;

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FPP2014-00009

6. I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*, including disciplinary jurisdiction under 37 C.F.R. § 11.19(a);

7. I have been recognized as counsel *pro hac vice* in the related IPR2014-00325 and in the unrelated IPR2013-00459. I have not applied to appear *pro hac vice* before the Office in any other proceeding in the last three (3) years; and

8. I am an experienced litigating attorney with experience, among other things, in numerous patent infringement litigations in District Courts across the country, including experience in trials and *Markman* hearings, and before the Federal Circuit, experience in Interference proceedings and *inter partes* review before the Office, experience in § 146 civil actions, and experience in § 337 ITC investigations. A biographical profile is attached hereto as Appendix A.

9. I am lead counsel for Patent Owner in co-pending litigation in which U.S. Patent No. 8,475,832 is asserted. As a result, I am familiar with the subject matter at issue in this proceeding, including the prior art on which Petitioner relies in the Petition, as well as the issues of claim construction in the litigation.



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State of New York)
)SS.:
County of New York)

Subscribed and sworn to before me on this 1st day of October, 2014, by Daniel A. Ladow, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Martha L. Matos
Notary Public

MARTHA L. MATOS
NOTARY PUBLIC, State of New York
No. 01MA5003553
Qualified in Richmond County
Certificate Filed in New York County
Commission Expires Oct. 26, 2014

APPENDIX A



Daniel A. Ladow
Partner

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Dan focuses his practice on handling patent litigation in various technologies in courts throughout the country for both plaintiffs and defendants, from pre-litigation strategy through discovery, dispositive motions, trial and appeal, including patent infringement litigation, preliminary injunction actions, Hatch-Waxman cases, Section 337 proceedings before the International Trade Commission, interference proceedings before the U.S. Patent and Trademark Office and appeals of interference decisions to district courts (§146 actions), as well as *inter partes* review proceedings under the AIA. He has extensive experience successfully handling patent appeals to the Court of Appeals for the Federal Circuit, including for patentees who had been unsuccessful in persuading the District Court of the correct construction of key claim terms.

With particularly extensive experience in litigating complex patent cases, Dan has litigated a wide range of subject matters and technologies, including biotechnology, pharmaceuticals, scientific instruments, graphics processing technology, LEDs, semiconductors, the internet, electrical devices and computer disk technology, as well as technology and patent licenses. Dan also has substantial experience litigating business method patents in district courts and before the Federal Circuit, including relating to securities, the internet and dispute resolution.

Dan also advises on and conducts due diligence-type analyses, including of pharmaceutical patent positions, particularly where patent litigation or adversary PTO proceedings are involved. He has assisted in-house counsel in coordinating U.S. and related foreign patent litigation and has advised on patent licensing and global patent portfolios.

Publications and Speaking Engagements

Dan has addressed both in-house audiences and industry conferences on patent law and litigation. He has, for example, spoken on the America Invents Act (AIA), *Inter Partes* Review proceedings under the AIA, addressed the implications of the Seagate decision at CLE presentations for in-house counsel, and was a featured speaker at The National Forum on Preventing and Defending Pharmaceutical and Biotech Patent Litigation in Washington, D.C, on "Navigating The Stormy Claim Construction Seas: The 'Evolving' Law, Litigation Strategy, Markman Hearings." He

Practice Areas

- ♦ Intellectual Property
- ♦ Life Sciences
- ♦ Business Litigation

Education

- ♦ University of Michigan (J.D., 1985)
cum laude
- ♦ Brown University (A.B., 1982)
magna cum laude

Bar and Court Admissions

- ♦ New York
- ♦ U.S. Court of Appeals for the Federal Circuit
- ♦ U.S. District Court for the Southern District of New York
- ♦ U.S. District Court for the Eastern District of New York

Memberships and Affiliations

- ♦ American Intellectual Property Law Association
- ♦ New York Intellectual Property Law Association
- ♦ Federal Circuit Bar Association

Distinctions

- ♦ Selected to New York Super Lawyers
2010, 2011 - Metro

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