

Filed on behalf of: INO Therapeutics, LLC

Entered: November 12, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRAXAIR DISTRIBUTION, INC.
Petitioner

v.

INO THERAPEUTICS LLC,
Patent Owner

Case IPR2015-00529
U.S. Patent No. 8,846,112 B2

Before LORA M. GREEN, TINA E. HULSE, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

**DECLARATION OF MARC N. ZUBICK IN SUPPORT OF
PATENT OWNER INO THERAPEUTICS LLC'S MOTION FOR
PRO HAC VICE ADMISSION UNDER 37 C.F.R. § 42.10(c)**

I, Marc N. Zubick, resident of Chicago, Illinois, declare as follows:

1. I am an attorney of the firm of Latham & Watkins LLP, counsel of record for Patent Owner INO Therapeutics LLC. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently under oath.

2. I am a member in good standing of the Illinois State Bar (Bar No. 6308239), Massachusetts Bar (Bar No. 671013), and the State Bar of New York (Bar No. 4596516). I am also admitted to practice before the U.S. District Courts for the Northern District of Illinois (General Bar), Southern District of New York, and the U.S. Court of Appeals for the Federal Circuit.

3. I have never been suspended or disbarred from practice before any court or administrative body. No application of mine for admission to practice before any court or administrative body has ever been denied. No court or administrative body has imposed sanctions or contempt citations against me.

4. 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. I acknowledge and agree that I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

5. I received a Bachelor of Arts degree in Environmental Engineering

and Bachelor of Science degree in Chemical Engineering from Rice University in 2001. I received a law degree from the New York University School of Law in 2007. I joined Latham & Watkins LLP as an associate in 2011 and I was elected to the firm's partnership in October 2015. Prior to joining Latham, I was an associate at Kaye Scholer LLP.

6. I have over eight years of patent litigation experience. I am a member of Latham & Watkins' intellectual property group and my practice involves patent litigation, with an emphasis in pharmaceutical patent litigation.

7. I have been actively involved in analyzing and assisting with Patent Owner's Response to the Petition for *Inter Partes* Review submitted in this proceeding, as well as the responses to the petitions submitted in related proceedings that are currently pending before the Patent Trial and Appeal Board:

- Case No. IPR2015-00884: Petition for *Inter Partes* Review of U.S. Patent No. 8,291,904;
- Case No. IPR2015-00888: Petition for *Inter Partes* Review of U.S. Patent No. 8,776,794;
- Case No. IPR2015-00889: Petition for *Inter Partes* Review of U.S. Patent No. 8,573,209;
- Case No. IPR2015-00891: Petition for *Inter Partes* Review of U.S. Patent No. 8,573,210; and

Case IPR2015-00529
U.S. Patent No. 8,849,112

- Case No. IPR2015-00893: Petition for *Inter Partes* Review of U.S. Patent No. 8,776,795.

8. I have not applied to appear *pro hac vice* in any other proceeding before the USPTO.

Executed on November 10, 2015 in Chicago, Illinois.



Marc N. Zubick

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 12th day of November, 2015, a true and correct copy of the foregoing **Declaration of Marc N. Zubick In Support of Patent Owner INO Therapeutics LLC's Motion for Pro Hac Vice Admission Under 37 C.F.R. § 42.10(c)** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

sanjay.murthy@klgates.com

sara.kerrane@klgates.com

michael.abernathy@klgates.com

margaux.nair@klgates.com

maria.doukas@klgates.com

By: /Robert Steinberg/

Robert Steinberg (Reg. No. 33,144)
bob.steinberg@lw.com
Latham & Watkins LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
213.485.1234; 213.891.8763 (Fax)