

Filed on behalf of: INO Therapeutics, LLC

Entered: November 23, 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 IPR2015-00889

U.S. Patent No. 8,573,209 B2

Before KEN B. BARRETT, MICHAEL J. FITZPATRICK, AND
SCOTT A. DANIELS, *Administrative Patent Judges*.

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

I, David K. Callahan, resident of Chicago, Illinois, declare as follows:

1. I am a partner 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. 6206671) and the District of Columbia Bar (Bar No. 494657). I am also admitted to practice before the U.S. District Courts for the District of Colorado, Eastern District of Michigan, Eastern District of Texas, Northern District of California, Northern District of Illinois (General and Trial Bars), Southern District of Indiana, and Western District of Wisconsin, the U.S. Courts of Appeals for the Fourth, Fifth, Seventh, Ninth, and Federal Circuits, and the U.S. Supreme Court.

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 an A.B. in Political Science with honors from the University of Chicago in 1987 and a law degree from the University of Michigan Law School in 1991. After graduating law school, I joined Kirkland & Ellis LLP and was elected into the partnership in October 1997. I joined Latham & Watkins LLP in April 2014.

6. I have over twenty years of experience litigating intellectual property matters, have tried numerous bench and jury trials, and have argued many appeals before the Federal and Seventh Circuit Courts of Appeals. I am a member of Latham & Watkins' intellectual property group and my practice focuses on complex litigation in the areas of patent, trademark, trade secret, false advertising, and unfair competition. In 2014, *BTI* named me a "Client Service All-Star" and *IP Law and Business* named me one of the "Top 50 Under 45" IP lawyers in the country. I am also included in *The International Who's Who of Business Lawyers* 2011-2014 in the area of patents.

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. IPR2015-00529: Petition for *Inter Partes* Review of U.S.

Case IPR2015-00889
U.S. Patent No. 8,573,209

Patent No. 8,846,112;

- 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. IPR2015-00891: Petition for *Inter Partes* Review of U.S. Patent No. 8,573,210; and
- Case No. IPR2015-00893: Petition for *Inter Partes* Review of U.S. Patent No. 8,776,795.

8. I have applied for and been granted *pro hac vice* admission in Case No. IPR2015-00529. I am concurrently applying to appear *pro hac vice* in the following proceedings: Case Nos. IPR2015-00884, IPR2015-00888, IPR2015-00891, and IPR2015-00893.

Executed on November 23, 2015 in Chicago, Illinois.



David K. Callahan