

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

I, Kenneth G. Schuler, resident of Glenview, 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. 6226036). I am also admitted to practice before the U.S. District Courts for the Eastern District of Michigan, Eastern District of Wisconsin, Northern District of Illinois (General and Trial Bars), Southern District of Illinois, and the U.S. Courts of Appeals for the Sixth, Seventh, and Federal Circuits.

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 from the University of Northern

Iowa in 1990 and a law degree from the University of Michigan Law School in 1993. I clerked for the Honorable James B. Loken of the U.S. Court of Appeals for the Eighth Circuit from 1993 to 1994 and joined Latham & Watkins LLP as an associate thereafter. I was named a partner of the firm in 2002.

6. I have over twenty years of litigation experience in federal and state courts, as well as in commercial arbitrations. I have extensive trial experience, having been admitted to the Trial Bar of the Northern District of Illinois in 2002. I am global co-chair of Latham & Watkins' intellectual property group and my practice involves intellectual property rights, with a particular emphasis in pharmaceutical patent litigation. *Intellectual Asset Management* magazine recently named me to the 2014 *IAM Patent 1000*.

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. 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.

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

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.



Kenneth G. Schuler