

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

FRESENIUS KABI USA LLC

Petitioner,

v.

CUBIST PHARMACEUTICALS, INC.

Patent Owner.

Case: IPR2015-01572
Patent No. 8,058,238

**DECLARATION OF ROBERT V. CERWINSKI IN
SUPPORT OF MOTION FOR *PRO HAC VICE*
ADMISSION UNDER 37 C.F.R. § 42.10(c)**

I, Robert V. Cerwinski, declare as follows:

1. I obtained a B.S. in Biology from Rensselaer Polytechnic Institute in 1991, and an M.S. in Molecular Biology from University of Buffalo in 1994. I obtained a J.D. from Boston University in 1997.

2. I am currently a partner in the law firm of Goodwin Procter LLP, a position which I have held since September, 2014. Prior to that, I was an associate, and then a partner, at the law firm of Kenyon and Kenyon LLP. In my nearly 18 years of practice, I have focused primarily on representing clients in patent litigations involving the chemical arts in United States district courts and the Court of Appeals for the Federal Circuit. Through this work, I have gained extensive experience as a litigating attorney, particularly in patent cases.

3. I am a member in good standing of the Bar of the State of New York and am admitted to practice before the United States District Court for the Southern District of New York and the United States Court of Appeals for the Federal Circuit.

4. I have never been suspended or disbarred from practice before any court or administrative body.

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

6. I have never been subject to any sanction or contempt citation imposed by any court or administrative body.

7. 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 37 C.F.R.

8. I agree to 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).

9. Concurrently with this application, I am applying to appear *pro hac vice* in IPR2015-01570, IPR2015-01571, and IPR2015-01566. I have not applied to appear *pro hac vice* in any other proceeding before the Office in the last three years.

10. I have substantial familiarity with the subject matter at issue in this proceeding. Patent Owner has asserted U.S. Patent No. 8,058,238 ("the '238 patent"), the patent at issue in this proceeding, against Petitioner in *Cubist Pharms., Inc. v. Fresenius Kabi USA, LLC*, 14-cv-00914 (D. Del.). I serve as litigation counsel for Fresenius in that litigation, and, in the course of that representation, developed a strong familiarity with the '238 patent, its prosecution history, the general subject matter to which the '238 patent is directed, and the prior art references relied upon by Petitioner in support of its invalidity grounds in

this proceeding. Furthermore, I have thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding.

11. I declare under penalty of perjury that the foregoing is true and correct. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on: August 13, 2015

/Robert V. Cerwinski/
Robert V. Cerwinski