

Case IPR 2015-01624  
Patent 6,331,415

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

SANOFI-AVENTIS U.S. LLC AND  
REGENERON PHARMACEUTICALS, INC.,

Petitioners

v.

GENENTECH, INC. AND CITY OF HOPE,

Patent Owners

Patent No. 6,331,415  
Appl. No. 07/205,419, filed June 10, 1988  
Issued: Dec. 18, 2001

Title: Methods of Producing Immunoglobulins, Vectors  
and Transformed Host Cells for Use Therein

---

IPR Trial No. IPR2015-01624

---

---

**PATENT OWNERS' MOTION FOR PRO HAC VICE ADMISSION OF  
DARALYN J. DURIE UNDER 37 C.F.R. § 42.10(C)**

***Mail Stop "PATENT BOARD"***  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Case IPR 2015-01624  
Patent 6,331,415

## I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owners Genentech, Inc. (“Genentech”) and City of Hope by and through its attorneys, respectfully requests that the Board admit Daralyn J. Durie *pro hac vice* in this proceeding.

## II. GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) of 37 C.F.R. provides as follows:

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Board has specified that a motion for *pro hac vice* admission shall be filed in accordance with the “ORDER-AUTHORIZING MOTION FOR PRO HAC VICE ADMISSION – 37 C.F.A. § 42.10” in *Unified Patents, Inc. v. Parallel Iron, LLC*, Case No. IPR2013-00639 (“Representative Order”). The Representative Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding,” and “[b]e accompanied by an affidavit or declaration of the individual

seeking to appear” which attests to a number of facts concerning the counsel seeking admission *pro hac vice* specified in the Representative Order.

### III. STATEMENT OF FACTS

1. Patent Owners’ lead counsel, Adam R. Brausa, is a registered practitioner (Reg. No. 60,287).
2. Ms. Durie is a Partner at the law firm Durie Tangri LLP. (Declaration of Daralyn J. Durie in Support of Patent Owners’ Motion for *Pro Hac Vice* Admission in Case IPR 2015-01624 ¶ 2).
3. Ms. Durie is an experienced litigating attorney and has been litigating cases relating to patents for over 20 years. (*Id.* ¶ 2)
4. Ms. Durie is a member in good standing of the California State Bar, and among other courts, the United States Court of Appeals for the Federal Circuit (*Id.* ¶ 3).
5. Ms. Durie has never been suspended or disbarred from practice before any court or administrative body. (*Id.* ¶ 5).
6. No application filed under Ms. Durie for admission to practice before any court or administrative body has ever been denied. (*Id.* ¶ 6).
7. No sanctions or contempt citations have been imposed against Ms.

Durie by any court or administrative body. (*Id.* ¶ 7).

8. Ms. Durie has read and agrees to 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. (*Id.* ¶ 8).

9. Ms. Durie understands that she 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). (*Id.* ¶ 9).

10. Ms. Durie has not appeared *Pro Hac Vice* before the Patent Trial and Appeal Board in the last three (3) years. (*Id.* ¶ 10).

11. Ms. Durie has an established familiarity with the subject matter at issue in this proceeding. She has handled patent cases relating to recombinant antibodies for more than thirteen years, including six litigations in which U.S. Patent No. 6,331,415 (“the ’415 patent”) was a patent-in-suit. (*Id.* ¶ 11). In the all of these cases involving the ’415 patent, she has represented Genentech and in several of these cases, she also represented City of Hope. During these litigations, she has worked closely with Adam R. Brausa, lead counsel for Genentech and City of Hope in this matter. (*Id.*).

12. Additionally, she has carefully reviewed and has developed extensive

familiarity with the matters involved in and implicated by these proceedings, including the '415 patent and its file history, the prior art presented in the petition, and the legal and factual issues raised by the Petitioners in this proceeding. As a result, Ms. Durie has acquired substantial understanding of the underlying legal and technological issues at stake in this proceeding. (*Id.* ¶ 12)

#### **IV. GOOD CAUSE EXISTS FOR *PRO HAC VICE* ADMISSION OF DARALYN J. DURIE**

The facts outlined above in the Statement of Facts, supported by the Declaration of Daralyn J. Durie, establish there is good cause to admit Ms. Durie *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Patent Owners' lead counsel, Adam R. Brausa, is a registered practitioner in good standing before the Board. Ms. Durie is an attorney in good standing in the State Bar of California and the United States Court of Appeals for the Federal Circuit. Ms. Durie has extensive experience litigating patents, including the '415 patent, which is the subject of this proceeding. As a result, Ms. Durie is familiar with the subject matter at issue in this proceeding. Furthermore, Ms. Durie has carefully reviewed the '415 patent at issue in this proceeding, its prosecution history, the prior art, the grounds advanced by the Petitioners and other aspects of the record in this proceeding, and is familiar with these matters. Based on her experience and

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.