

UNITED STATES PATENT AND TRADEMARK OFFICE

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

GENZYME CORPORATION,  
Petitioner,

v.

GENENTECH, INC. AND CITY OF HOPE,  
Patent Owner.

---

Case IPR2016-00383  
Patent 6,331,415 B1

---

**PATENT OWNER'S MOTION FOR ADMISSION *PRO HAC VICE* OF  
ROBERT J. GUNTHER, JR.**

## **I. Statement of Precise Relief Requested**

Pursuant to 37 C.F.R. § 42.10(c), Patent Owners Genentech, Inc. (“Genentech”) and City of Hope requests that the Patent Trial and Appeal Board (the “Board”) admit Robert J. Gunther, Jr. *pro hac vice* in this proceeding, IPR2016-00383.

## **II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding**

In accordance with 37 C.F.R. § 42.10(c), 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. Section 42.10(c) indicates that “where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize Robert J. Gunther, Jr. *pro hac vice* in this proceeding.

1. Lead counsel, David L. Cavanaugh, is a registered practitioner. Backup counsel, Heather M. Petruzzi, Adam R. Brausa, and Jeffrey P. Kushan, are also registered practitioners.

2. Counsel, Robert J. Gunther, Jr., is an experienced litigator and has an

established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion as Exhibit 2001 is the Declaration of Robert J. Gunther, Jr. in Support of this Motion for Admission *Pro Hac Vice* (“Gunther Decl.”). In his declaration, Mr. Gunther asserts:

I am a member in good standing of the Bar of New York, and am admitted to practice before District Courts of the Southern District of New York the Eastern District of New York, the Western District of New York, the Northern District of California, the District of Colorado, the Eastern District of Michigan, the Western District of Michigan, and the Northern District of Illinois. I am also admitted to practice before the U.S. Courts of Appeals for the Second, Ninth, Tenth, and Federal Circuits. I am a fellow of The American College of Trial Lawyers.

Gunther Decl. ¶ 2 (Ex. 2001). Mr. Gunther also states that he has a long-standing relationship with Patent Owner Genentech, Inc. and its parent Roche, and is currently representing the Patent Owner in two other IPRs involving the ‘415 patent. Gunther Decl. ¶ 11 (Ex. 2001). Mr. Gunther also demonstrates that he has a detailed working knowledge of the relevant subject matter through his participation in a prior litigation involving the ‘415 patent as well as his familiarity with antibody technologies as a result of participation as counsel in prior antibody-related patent cases. Gunther Decl. ¶ 12 (Ex. 2001).

3. In his declaration, Mr. Gunther also attests to each of the listed items required by the Order – Authorizing Motion for *Pro Hac Vice* Admission – 37 C.F.R. § 42.10 in IPR2013-00639. *See* Gunther Decl. ¶¶ 1-13 (Ex. 2001). Mr. Gunther attests that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 35 C.F.R. § 42. Mr. Gunther further attests that he agrees to be subject to the United States Patent and Trademark Office's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 et seq. and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *See id.* ¶ 9.

### **III. Conclusion**

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Robert J. Gunther, Jr. *pro hac vice* in this proceeding.

Respectfully submitted,

Date: February 8, 2016

By: /David L. Cavanaugh/  
David L. Cavanaugh  
Reg. No. 36,476  
Wilmer Cutler Pickering Hale and Dorr LLP  
1875 Pennsylvania Avenue NW  
Washington, DC 20006

**Exhibit List for IPR2016-00383**

2001	DECLARATION OF ROBERT J. GUNTHER, JR. IN SUPPORT OF MOTION FOR ADMISSION <i>PRO HAC VICE</i>
------	--

# 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.