

Case IPR2016-00383  
Patent 6,331,415

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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GENZYME CORPORATION,

Petitioner

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

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IPR Trial No. IPR2016-00383

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

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**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, David Cavanaugh, is a registered practitioner (Reg. No. 36,476). Backup counsel, Heather M. Petruzzi, Adam R. Brausa, and Jeffrey P. Kushan, are also registered practitioners.

2. Ms. Durie is a Partner at the law firm Durie Tangri LLP. (Exhibit 2002, Declaration of Daralyn J. Durie in Support of Patent Owners' Motion for *Pro Hac Vice* Admission in Case IPR2016-00383¶ 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 submitted a motion for *pro hac vice* admission in IPR 2015-01624 (motion pending). (*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 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, back-up 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,

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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, David L. Cavanaugh, 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 knowledge, there is good cause to admit Ms. Durie *pro hac vice* in this proceeding.

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