

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS, INC., AND
MERCK SHARP & DOHME CORP.,
Petitioners,
v.

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

Case IPR2016-00710¹
Patent 6,331,415 B1

**DECLARATION OF DAVID F. MCGOWAN IN SUPPORT OF PATENT
OWNERS' MOTION FOR *PRO HAC VICE* ADMISSION**

¹ Case IPR2017-00047 has been joined with this proceeding.

I, David F. McGowan, declare as follows:

1. I am an attorney licensed to practice law in the State of California.
2. I am a partner at the law firm Durie Tangri LLP and have litigated cases relating to patents for the past seven years.
3. I am a member in good standing of the State Bar of California and the United States Court of Appeal for the Federal Circuit. I am also admitted to practice before the United States Court of Appeals for the 2nd Circuit, the United States Court of Appeals for the 9th Circuit, the United States District Courts in the Northern, Central and Southern Districts of California.
4. I am a member in good standing in all jurisdictions where I have been admitted to practice.
5. I have never been suspended or disbarred from practice before any court or administrative body.
6. I have never had an application denied for admission to practice before any court or administrative body.
7. I have not had any sanctions or contempt citations imposed against me by any court or administrative body.
8. 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.
9. 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).

10. I have appeared *Pro Hac Vice* before the Patent Trial and Appeal Board once in the last three (3) years: *Sanofi-Aventis U.S. LLC, Regeneron Pharmaceuticals, Inc., and Genzyme Corporation v. Genentech, Inc. and City of Hope*, IPR2015-01624 (to which IPR2016-00460 was joined), in which U.S. Patent No. 6,331,415 (“the ‘415 patent”) was the challenged patent.

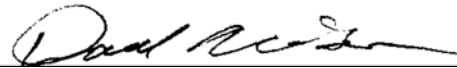
11. I have an established familiarity with the subject matter at issue in this proceeding. I have handled patent cases relating to recombinant antibodies for the past six years, including cases wherein the ‘415 patent was a patent-in-suit (*e.g.*, IPR2015-01624, in which I was admitted *pro hac vice*). In all of these cases involving the ‘415 patent, I have represented Genentech and in some instances, City of Hope. I have worked closely with Adam R. Brausa, counsel for Patent Owners in this matter.

12. Additionally, I am familiar with the matters involved in and implicated by these proceedings, including the ‘415 patent and its licensing history, and the legal and factual issues raised by the Petitioners in this proceeding. As a result, I have acquired substantial understanding of the underlying legal and technological issues at stake in this proceeding.

I hereby 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 are 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 U.S. Patent No. 6,331,415.

Date: January 05, 2017



David F. McGowan

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