

Filed on behalf of Ancestry.com DNA, LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ANCESTRY.COM DNA, LLC,
Petitioner

v.

DNA GENOTEK INC.,
Patent Owner.

Inter Partes Review No. IPR2016-01152
Patent 8,221,381 B2

**DECLARATION OF MELANIE L. MAYER IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION OF
MELANIE L. MAYER PURSUANT TO 37 C.F.R. § 42.10(c)**

I, Melanie L. Mayer, declare as follows:

1. I am more than twenty-one years of age, am competent to present this declaration, and have personal knowledge of the facts set forth herein.

2. This declaration is made in support of Petitioner Ancestry.com DNA LLC's Motion for *Pro Hac Vice* Admission of Melanie L. Mayer Pursuant to 37 C.F.R. § 42.10(c).

3. I am an associate at the law firm Fenwick & West LLP.

4. I earned a Ph.D. in Molecular Biology and Genetics from Johns Hopkins School of Medicine in 2001. I have been a litigating attorney for more than 10 years. I have been litigating patent cases during that entire time period.

5. I am an attorney in good standing of the State Bar of Washington. I have never been suspended or disbarred from practice before any court or administrative body.

6. No court or administrative body has ever denied my application for admission to practice before it.

7. No court or administrative body has ever imposed sanctions or contempt citations against me.

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 understand that I 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).

10. I have been admitted to appear *pro hac vice* in one other *inter partes* review proceeding before the Office in the last three years. That proceeding is IPR2016-00060, which has been instituted and is directed to the same patent at issue in the instant *inter partes* review petition — U.S. Patent No. 8,221,381.

11. I have an established familiarity with the subject matter at issue in this proceeding. I am one of the attorneys that has previously represented the defendants in two of the co-pending district court litigations identified as Related Matters pursuant to 37 C.F.R. § 42.8(b)(2) by Petitioner (Paper No. 1) and by Patent Owner (Paper No. 5): (i) *DNA Genotek, Inc. v. Ancestry.com DNA LLC*, Case No. 15-cv-00355-SLR (D. Del.) (the “Ancestry litigation”); and (ii) *DNA Genotek, Inc. v. Spectrum DNA, Spectrum Solutions LLC, and Spectrum Packaging, LLC*, Case No. 15-cv-00661-SLR (D. Del.) (the “Spectrum litigation”). Both of these district court litigations involve the same patent, U.S. Patent No. 8,221,381 (“the ’381 patent”), at issue in this proceeding. As trial counsel for Petitioner in the Ancestry litigation and for the Spectrum defendants in the Spectrum litigation, I was actively involved in all aspects of the district court

litigations, including factual investigation and development of non-infringement and invalidity positions regarding the claims of the '381 patent challenged in this proceeding. In addition, I am admitted *pro hac vice* in IPR2016-00060, which has been instituted and is also directed to the '381 patent.

12. I have also reviewed in detail the '381 patent, which is the patent involved in this proceeding, as well as the Petition and prior art upon which the Petitioner bases its challenge. I am thus very familiar with the '381 patent and the issues in this case.

13. 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 are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

EXECUTED at Seattle, Washington this 20th day of September, 2016.

/Melanie L. Mayer/

Melanie L. Mayer