

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK SHARP & DOHME CORP.,
Petitioner,

v.

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

Case IPR2016-01373
U.S. Patent 6,331,415

**DECLARATION OF DARALYN J. DURIE IN SUPPORT OF PATENT
OWNERS' MOTION FOR *PRO HAC VICE* ADMISSION**

Merck v. Genentech

I, Daralyn J. Durie, 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 over 20 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 California Supreme Court, the United States Court of Appeals for the 3rd Circuit, the United States Court of Appeals for the 8th Circuit, the United States Court of Appeals for the 9th Circuit, the United States District Court of Colorado, and the United States District Courts in the Central, Eastern, Northern 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. In the last three (3) years, I have appeared *Pro Hac Vice* before the Patent Trial and Appeal Board in the following cases: *Sanofi-Aventis U.S. LLC and Regeneron Pharmaceuticals, Inc. v. Genentech, Inc. and City of Hope*, IPR2015-01624; *Genzyme Corporation v. Genentech, Inc. and City of Hope*, IPR2016-00460 (*pro hac vice* motion filed) (joined with IPR2015-01624); *Genzyme Corporation v. Genentech, Inc. and City of Hope*, IPR2016-00383 (*pro hac vice* motion filed) (not instituted).

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 more than twelve years, including six cases wherein U.S. Patent No. 6,331,415 ("the '415 patent") was a patent-in-suit. In all of these cases involving the '415 patent, I have represented Genentech and in some instances, City of Hope. In several of these cases, I have worked closely with Adam R. Brausa, counsel for

Patent Owners in this matter.

12. Additionally, I have 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 Petitioner in this proceeding. As a result, I have acquired substantial understanding of the underlying legal and technological issues at stake in this proceeding.

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 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: August 4, 2016



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