

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 DAVID I. GINDLER IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE***

I, David I. Gindler, declare as follows:


1. I am an attorney licensed to practice law in the State of California.
2. I am a member in good standing of the State Bar of California. I am also admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Seventh Circuit, and the United States District Courts in the Northern, Central, Eastern and Southern Districts of California.
3. I am a member in good standing in all jurisdictions where I have been admitted to practice.
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. I have never had an application denied for admission to practice before any court or administrative body.
6. I have never had any sanctions or contempt citations imposed by any court or administrative body.
7. 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.

8. 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).
9. In the last three (3) years, I have appeared *Pro Hac Vice* before the Patent Trial and Appeal Board once, in the following case: *Boehringer Ingelheim International GmbH and Boehringer Ingelheim Pharmaceuticals, Inc. v. Genentech, Inc. and Biogen, Inc.*, Case IPR2015-00415.
10. I am a partner at the law firm of Irell & Manella LLP. I have been litigating patent cases for over 19 years, including cases involving co-pending proceedings in the United States Patent and Trademark Office. I have handled patent cases relating to recombinant antibodies for more than twelve years.
11. For example, I have been involved in numerous cases relating to U.S. Patent No. 6,331,415 (“the ’415 patent”), which is directed to certain fundamental techniques for the expression of recombinant antibodies. In those cases, I have represented City of Hope and have worked closely with Genentech, Inc., which are the co-owners of the ’415 patent.
12. I have carefully reviewed and have 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.

13. Based on my knowledge of and familiarity with the matters identified above, and in view of my significant experience in litigating patent cases involving recombinant antibodies, I believe I am well qualified to participate as counsel in this proceeding.
14. 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 and that such willful false statements may jeopardize the validity of U.S. Patent No. 6,331,415.

Respectfully submitted,



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