

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MERCK SHARP & DOHME CORP.,  
Petitioner,

v.

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

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

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**PATENT OWNERS' UNOPPOSED MOTION FOR ADMISSION  
*PRO HAC VICE* OF DAVID I. GINDLER**

**I. Statement of Precise Relief Requested**

Pursuant to 37 C.F.R. § 42.10(c), Patent Owners Genentech, Inc. (“Genentech”) and City of Hope request that the Patent Trial and Appeal Board (the “Board”) admit David I. Gindler *pro hac vice* in this proceeding, IPR2016-01373. Petitioner Merck Sharp & Dohme Corp. has indicated that it does not oppose this motion.

**II. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding**

In accordance with 37 C.F.R. § 42.10(c), 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. Section 42.10(c) indicates that “where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” The facts here establish good cause for the Board to recognize David I. Gindler *pro hac vice* in this proceeding.

1. Lead counsel, David L. Cavanaugh, is a registered practitioner. Backup counsel, Owen K. Allen, Heather M. Petruzzi and Adam R. Brausa, are also registered practitioners.

2. Counsel, David I. Gindler, is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding. Accompanying this motion as Exhibit 2004 is the Declaration of David I. Gindler in Support of this Motion for Admission *Pro Hac Vice* ("Gindler Decl."). In his declaration, Mr. Gindler asserts:

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.

Gindler Decl. ¶ 2 (Ex. 2004). Mr. Gindler also states that he has a long-standing relationship with Patent Owner City of Hope and has worked closely with Patent Owner Genentech. Gindler Decl. ¶ 11 (Ex. 2004). Mr. Gindler also demonstrates that he has a detailed working knowledge of the relevant subject matter through his participation in prior litigations involving the '415 patent as well as his familiarity with antibody technologies as a result of participation as counsel in prior recombinant antibody-related patent cases. Gindler Decl. ¶¶ 12-13 (Ex. 2004).

3. In his declaration, Mr. Gindler also attests to each of the listed items required by the Order – Authorizing Motion for Pro Hac Vice Admission – 37 C.F.R. § 42.10 in IPR2013-00639. *See* Gindler Decl. ¶¶ 1-13 (Ex. 2004). Mr. Gindler attests that he has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42. *See id.* ¶ 7. Mr. Gindler further attests that he agrees to be subject to the United States Patent and Trademark Office's Rules of Professional Conduct as set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). *See id.* ¶ 8.

### III. Conclusion

For the foregoing reasons, Patent Owners respectfully request that the Board admit David I. Gindler *pro hac vice* in this proceeding.

Respectfully submitted,

Date: September 1, 2016

By: /David L. Cavanaugh/  
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**PATENT OWNERS' EXHIBIT LIST**  
**IPR2016-01373**

2001	Declaration of Robert J. Gunther, Jr. in Support of Motion for Admission <i>Pro Hac Vice</i>
2002	Declaration of Daralyn J. Durie in Support of Motion for Admission <i>Pro Hac Vice</i>
2003	Declaration of Joseph M. Lipner in Support of Motion for Admission <i>Pro Hac Vice</i>
2004	Declaration of David I. Gindler in Support of Motion for Admission <i>Pro Hac Vice</i>

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