

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 ROBERT J. GUNTHER, JR.**

**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 Robert J. Gunther, Jr. *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 Robert J. Gunther, Jr. *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.

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2. Counsel, Robert J. Gunther, Jr., is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding.

Accompanying this motion as Exhibit 2001 is the Declaration of Robert J.

Gunther, Jr. in Support of this Motion for Admission *Pro Hac Vice*

("Gunther Decl."). In his declaration, Mr. Gunther asserts:

I am a member in good standing of the Bar of New York, and am admitted to practice before District Courts of the Southern District of New York the Eastern District of New York, the Western District of New York, the Northern District of California, the District of Colorado, the Eastern District of Michigan, the Western District of Michigan, and the Northern District of Illinois. I am also admitted to practice before the U.S. Courts of Appeals for the Second, Ninth, Tenth, and Federal Circuits. I am a fellow of The American College of Trial Lawyers.

Gunther Decl. ¶ 2 (Ex. 2001). Mr. Gunther also states that he has a long-standing relationship with Patent Owner Genentech, Inc. and its parent

Roche. Gunther Decl. ¶ 11 (Ex. 2001). Mr. Gunther also demonstrates that

he has a detailed working knowledge of the relevant subject matter through

his participation in a prior litigation involving the '415 patent as well as his

familiarity with antibody technologies as a result of participation as counsel

in prior antibody-related patent cases. Gunther Decl. ¶ 12 (Ex. 2001).

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3. In his declaration, Mr. Gunther 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* Gunther Decl. ¶¶ 1-13 (Ex. 2001). Mr. Gunther 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.* ¶ 8. Mr. Gunther 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.* ¶ 9.

### III. Conclusion

For the foregoing reasons, Patent Owners respectfully request that the Board admit Robert J. Gunther, Jr. *pro hac vice* in this proceeding.

Respectfully submitted,

Date: September 1, 2016

By: /David L. Cavanaugh/

David L. Cavanaugh

Reg. No. 36,476

Wilmer Cutler Pickering Hale and Dorr LLP

1875 Pennsylvania Avenue NW

Washington, DC 20006

**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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