

Paper No. ____
Date Filed: Nov. 28, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WOCKHARDT BIO AG,
Petitioner,

v.

JANSSEN ONCOLOGY, INC.,
Patent Owner.

Case IPR2016-01582
Patent 8,822,438

**DECLARATION OF DAVID T. PRITIKIN IN
SUPPORT OF MOTION TO APPEAR *PRO HAC VICE***

I, David T. Pritikin, declare as follows:

1. I am a partner in the Chicago Office of Sidley Austin LLP. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently under oath.

2. I am a member in good standing of the State Bar of Illinois (Bar No. 2256339).

3. I have never been suspended or disbarred from practice before any court or administrative body.

4. None of my applications for admission to practice before any court or administrative body have ever been denied.

5. I have not been sanctioned nor have I had a contempt citation imposed on me by any court or administrative body.

6. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R.

7. I acknowledge and agree 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).

8. I have applied to appear *pro hac vice* before the Patent Trial and Appeal Board twice in the last three years in IPR2016-00268 and IPR2016-01332. These

motions were granted. (See IPR2016-00286, Paper 10 and IPR2016-01332 Paper 17).

9. I have been a practicing attorney for over 40 years and have been involved in numerous patent cases. I am presently lead counsel for Patent Owner Janssen Oncology, Inc. in four pending patent litigations¹ involving the patent under review in this proceeding, U.S. Patent No. 8,822,438 (the “’438 patent”). As part of these litigations, I have studied and analyzed the ’438 patent and have become very familiar with its subject matter. I have also gained familiarity with certain prior art (including prior art asserted in this IPR proceeding), conception and reduction to practice of the inventions claimed in the ’438 patent, and other relevant issues, including claim construction of various claim terms.

¹ *BTG Int’l Ltd., et al. v. Actavis Labs. FL, Inc., et al.*, C.A. No. 2:15-cv-05909-KM-JBC (D.N.J.), *Janssen Biotech, Inc., et al. v. Mylan Pharm. Inc., et al.*, C.A. No. 1:15-cv-00130-IMK (N.D. W. Va.), *BTG Int’l Ltd., et al. v. Amerigen Pharms., Inc., et al.*, C.A. No. 2:16-cv-02449-KM-JBC (D.N.J.) (consolidated with C.A. No. 2:15-cv-05909-KM-JBC (D.N.J.)), and *BTG Int’l Ltd., et al. v. Glenmark Pharms., Inc., USA et al.*, C.A. No. 2:16-cv-03743-KM-JBC (D.N.J.).

IPR2016-01582
Patent No. 8,822,438

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 28, 2016 in Chicago, Illinois.

By: David T. Pritikin
David T. Pritikin

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Declaration of David T. Pritikin in Support of Motion to Appear *Pro Hac Vice* was served on counsel of record on November 28, 2016 by filing this document through the End-to-End System, as well as delivering a copy via electronic mail to counsel of record for the Petitioner at the following addresses:

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Date: Nov. 28, 2016

Respectfully submitted,

By: /Dianne B. Elderkin/
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