Filed on behalf of Patent Owner Genentech, Inc. by:

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

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Cases IPR2016-01694
Patent 6,407,213

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PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE* OF DARALYN J. DURIE UNDER 37 C.F.R. § 42.10(C)

I.   RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Genentech, Inc.

("Genentech"), by and through its attorneys, respectfully requests that the Board

admit Daralyn J. Durie *pro hac vice* in this proceeding, IPR2016-01694.

Petitioner's counsel has indicated that it does not oppose this motion.

II.   GOVERNING LAW, RULES, AND PRECEDENT

Section 42.10(c) of 37 C.F.R. provides as follows:

> 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. For example, where the 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 showing that counsel is an
> experienced litigating attorney and has an established familiarity with
> the subject matter at issue in the proceeding.

The Board has specified that a motion for *pro hac vice* admission shall be

filed in accordance with the "ORDER-AUTHORIZING MOTION FOR PRO HAC

VICE ADMISSION – 37 C.F.R. § 42.10" in *Unified Patents, Inc. v. Parallel Iron,*

LLC, Case No. IPR2013-00639 ("Representative Order"). The Representative

Order states that the motion must "[c]ontain a statement of facts showing there is

good cause for the Board to recognize counsel *pro hac vice* during the

proceeding," and "[b]e accompanied by an affidavit or declaration of the individual

seeking to appear" which attests to a number of facts concerning the counsel

seeking admission *pro hac vice* specified in the Representative Order.

Accompanying this motion as Exhibit 2033 is the Declaration of Daralyn J. Durie

in Support of this Motion for Admission *Pro Hac Vice* ("Durie Decl.").

III.   STATEMENT OF FACTS

1.   Patent Owners' lead counsel, David L. Cavanaugh, is a registered

practitioner (Reg. No. 36,476).

2.   Ms. Durie is a Partner at the law firm Durie Tangri LLP. (Durie Decl.

¶ 2, Ex. 2002).

3.   Ms. Durie is an experienced litigating attorney and has been litigating

cases relating to patents for over 20 years. (*Id.* ¶ 2)

4.   Ms. Durie is a member in good standing of the California State Bar,

and among other courts, the United States Court of Appeals for the Federal Circuit

(*Id.* ¶ 3).

5.   Ms. Durie has never been suspended or disbarred from practice before

any court or administrative body. (*Id.* ¶ 5).

6.   No application filed under Ms. Durie for admission to practice before

any court or administrative body has ever been denied. (*Id.* ¶ 6).

7.   No sanctions or contempt citations have been imposed against Ms.

Durie by any court or administrative body. (*Id.* ¶ 7).

8.   Ms. Durie has read and agrees to 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. (*Id.* ¶ 8).

9.   Ms. Durie understands that she 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). (*Id.* ¶ 9).

10.   In the last three (3) years, Ms. Durie has 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 (*pro hac vice* granted); *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); *Merck Sharp &*

Dohme Corp. v. Genentech, Inc. and City of Hope, IPR2016-01373 (*pro hac vice*

motion granted); *Mylan Pharmaceuticals Inc. v. Genentech, Inc. and City of Hope*,

IPR2016-00710 (*pro hac vice* granted); *Merck Sharp & Dohme Corp. v.*

Genentech, Inc. and City of Hope, IPR2017-00047 (*pro hac vice* to be filed); and

Mylan *Pharmaceuticals, Inc. v. Genentech, Inc.*, IPR2016-01693 (*pro hac vice*

pending). (*Id.* ¶ 10).

11.   Ms. Durie has an established familiarity with the subject matter at

issue in this proceeding. She has handled patent cases relating to antibodies for more than twelve years. (*Id.* ¶ 11). In many of these cases involving antibodies, she has represented Genentech. During these litigations, she has worked closely with Adam R. Brausa, counsel for Genentech in this matter. (*Id.*).

12. Additionally, Ms. Durie has carefully reviewed and has developed extensive familiarity with the matters involved in and implicated by these proceedings, including the '213 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, Ms. Durie has acquired substantial understanding of the underlying legal and technological issues at stake in this proceeding. (*Id.* ¶ 12)

IV. GOOD CAUSE EXISTS FOR *PRO HAC VICE* ADMISSION OF DARALYN J. DURIE

The facts outlined above in the Statement of Facts, supported by the Declaration of Daralyn J. Durie (Ex. 2033), establish there is good cause to admit Ms. Durie *pro hac vice* in this proceeding under 37 C.F.R. § 42.10. Patent Owner's lead counsel, David L. Cavanaugh, is a registered practitioner in good standing before the Board. Ms. Durie is an attorney in good standing in the State Bar of California and the United States Court of Appeals for the Federal Circuit. Ms. Durie has extensive experience litigating patents, including cases related to antibodies. As a result, Ms. Durie is familiar with the subject matter at issue in this

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