

Filed on behalf of Patent Owner Genentech, Inc. by

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01489
U.S. Patent 6,407,213

**PATENT OWNER'S UNOPPOSED MOTION FOR ADMISSION
PRO HAC VICE OF KEVIN S. PRUSSIA.**

I. Statement of Precise Relief Requested

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner Genentech, Inc. (“Genentech”) requests that the Patent Trial and Appeal Board (the “Board”) admit Kevin S. Prussia, Jr. *pro hac vice* in this proceeding, IPR2017-01489. Petitioner Pfizer Inc. 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 Kevin S. Prussia *pro hac vice* in this proceeding.

1. Lead counsel, David L. Cavanaugh, is a registered practitioner. Backup counsel, Adam Brausa and Owen Allen are also registered practitioners.
2. Counsel, Kevin S. Prussia, is an experienced litigator and has an established familiarity with the subject matter at issue in the proceeding. Accompanying

Patent Owner's Motion For Admission *Pro Hac Vice* Of Kevin S. Prussia

this motion as Exhibit 2037 is the Declaration of Kevin S. Prussia in Support of this Motion for Admission *Pro Hac Vice* ("Prussia Decl."). In his declaration, Mr. Prussia asserts:

I am a member in good standing of the Bars of the Commonwealth of Massachusetts and the State of New York. I am admitted to practice before the U.S. District Court for the District of Massachusetts. I am also admitted to practice before the U.S. Court of Appeals for the First Circuit, and the U.S. Court of Appeals for the Federal Circuit. I am also admitted to practice before the Supreme Judicial Court for Suffolk County, Massachusetts, and the State of New York Supreme Court Appellate Division, Third Judicial Dept.

Prussia Decl. ¶ 3 (Ex. 2037). Mr. Prussia also demonstrates that he has a detailed working knowledge of the relevant subject matter through both prior *inter partes review* experience and his familiarity with antibody technologies as a result of participation as counsel in prior antibody-related intellectual property cases on behalf of Genentech. Prussia Decl. ¶¶ 5-6 (Ex. 2037).

3. In his declaration, Mr. Prussia 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* Prussia Decl. ¶¶ 1-11 (Ex. 2037).

Mr. Prussia attests that he has read and will comply with the Office Patent

Patent Owner's Motion For Admission *Pro Hac Vice* Of Kevin S. Prussia

Trial Practice Guide and the Board's Rules of Practice for Trials set forth in 37 C.F.R. § 42. *See id.* ¶ 10. Mr. Prussia 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.* ¶ 11.

III. Conclusion

For the foregoing reasons, Patent Owner respectfully requests that the Board admit Kevin S. Prussia *pro hac vice* in this proceeding.

Respectfully submitted,

Date: September 20, 2017

By: /David L. Cavanaugh/
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PATENT OWNER'S EXHIBIT LIST
IPR2017-01489

<u>Patent Owner's Exhibit Number</u>	<u>Exhibit Name</u>
2001	Genentech, Inc. Laboratory Notebook No. 10098 (Leonard Presta) PROTECTIVE ORDER MATERIAL
2002	Genentech, Inc. Laboratory Notebook No. 10823 (Leonard Presta) PROTECTIVE ORDER MATERIAL
2003	Genentech, Inc. Laboratory Notebook No. 11268 (Paul Carter) PROTECTIVE ORDER MATERIAL
2004	Genentech, Inc. Laboratory Notebook No. 11643 (Paul Carter) PROTECTIVE ORDER MATERIAL
2005	Genentech, Inc. Laboratory Notebook No. 10840 (John Brady) PROTECTIVE ORDER MATERIAL
2006	Genentech, Inc. Laboratory Notebook No. 11162 (John Brady) PROTECTIVE ORDER MATERIAL
2007	Excerpts from Genentech, Inc. Laboratory Notebook No. 11008 (Ann Rowland) PROTECTIVE ORDER MATERIAL
2008	Excerpts from Genentech, Inc. Laboratory Notebook No. 11297 (Tim Hotaling) PROTECTIVE ORDER MATERIAL
2009	Excerpts from Genentech, Inc. Laboratory Notebook No. 11568 (Monique Carver) PROTECTIVE ORDER MATERIAL
2010	Genentech, Inc. Interoffice Memorandum from Paul Carter to Leonard Presta and Dennis Henner PROTECTIVE ORDER MATERIAL
2011	Genentech, Inc. Interoffice Memorandum from Paul Carter to Leonard Presta PROTECTIVE ORDER MATERIAL
2012	Genentech, Inc. Synthetic DNA Requests PROTECTIVE ORDER MATERIAL
2013	Genentech, Inc. Synthetic DNA Requests PROTECTIVE ORDER MATERIAL

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