UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARGENTUM PHARMACEUTICALS LLC,

Petitioner

v.

NOVARTIS A.G.,

Patent Owner.

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Case IPR2017-01550

Patent 9,187,405

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**DECLARATION OF ROBERT W. TRENCHARD IN SUPPORT OF
MOTION FOR ADMISSION _PRO HAC VICE_**

Mail Stop Patent Board
Patent Trial and Appeal Board
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Robert W. Trenchard, declare as follows:

1.   I am a litigation partner at Gibson, Dunn & Crutcher LLP.

2.   I am a member in good standing of the Bar of the States of New York and New Jersey. I am also admitted to practice before the United States Courts of Appeals for the Third, Seventh, and D.C. Circuits, and the United States District Court for the Southern District of New York.

3.   My New York Bar membership No. is 2679488. My New Jersey Bar membership No. is 053551994.

4.   I have been practicing law for 22 years, including litigating patent cases for the last 7 years before the Board and in district court. Before the Board, I have been involved in four patent interference proceedings and two *inter partes* review proceedings:

- *Sugano v. Goeddel*, Patent Interference No. 105,334

- *Sugano v. Goeddel,* Patent Interference No. 105,337

- *Protiva Biotherapeutics, Inc. v, Alnylam Pharmaceuticals Inc.,* Patent Interference No. 105,792

- *Schwindt v. Miller,* Patent Interference No. 105,805

- *Merck Sharp & Dohme Corp. v. Mayne Pharma International PTY Ltd.,* IPR2016-01186

- *Torrent Pharmaceuticals Limited v. Novartis AG and Mitsubishi Pharma Corp.,* IPR2014-00784

5.   More generally, I represent Novartis in litigating pharmaceutical patent cases, including the following infringement cases in the District of New Jersey:

- *Novartis Pharmaceuticals Corp., et al. v. Wockhardt USA, LLC, et al.,* Civil Action No. 12-cv-3967

- *Novartis Pharmaceuticals Corp., et al. v. Wockhardt USA, LLC, et al.,* Civil Action No. 13-cv-1028

- *Novartis Pharmaceuticals Corp., et al. v. Accord Healthcare Inc., et al.,* Civil Action No. 13-cv-2379

- *Novartis Pharmaceuticals Corp., et al. v. Wockhardt USA, LLC, et al.,* Civil Action No. 13-cv-4669

- *Novartis Pharmaceuticals Corp., et al. v. Akorn, Inc. , et al.,* Civil Action No. 13-cv-5125

- *Novartis Pharmaceuticals Corp., et al. v. Wockhardt USA, LLC, et al.,* Civil Action No. l 3-cv-6835

- *Novartis Pharmaceuticals Corp. v. Accord Healthcare Inc.,* Civil Action No. 13-cv-7178

- *Novartis Pharmaceuticals Corp. v. Fresenius Kabi USA, LLC,* Civil Action No. 13-cv-7914

- *Novartis Pharmaceuticals Corp. v. Pharmaceutics International, Inc.,* Civil Action No. 14-cv-1347

- *Novartis Pharmaceuticals Corp. v. Gland Pharma Ltd,* Civil Action No. 14-cv-1841

6.   Further, I have represented Novartis in litigating pharmaceutical patent cases involving GILENYA®, including the following infringement cases in the District of Delaware:

- *Novartis AG et al v. Actavis Elizabeth LLC, Civil Action No. 14-cv-01487*

- *Novartis AG et al v. Ezra Ventures LLC, Civil Action No. 15-cv-00150*

- *Novartis AG et al v. Apotex Inc. et al, Civil Action No. 15-cv-00975*

- *Novartis AG et al v. HEC Pharm Co. Ltd. et al, Civil Action No. 15-cv-00151*

7.   I have never been suspended, disbarred, sanctioned or cited for contempt by any court or administrative body.

8.   I have never had a court deny my application for admission to practice.

9.   In the past three years, I have applied for *pro hac vice* admission before the United States Patent and Trademark Office in the following *inter partes* review proceedings:

- *Torrent Pharmaceuticals Ltd. v. Novartis AG and Mitsubishi Pharma Corp.*, IPR2014-00784; and

- *Merck Sharp & Dohme Corp. v. Mayne Pharma International Pty Ltd.*, IPR2016-01186.

The Board granted the motion for my admission *pro hac vice* in the *Torrent Pharmaceuticals* proceeding and has not yet ruled on my application in the *Merck Sharp & Dohme Corp.* proceeding. *Torrent Pharmaceuticals Ltd. v. Novartis AG and Mitsubishi Pharma Corp.*, IPR2014-00784, Paper 8 at 2. (Ex. 2002); *Merck Sharp & Dohme Corp. v. Mayne Pharma Int'l PTY Ltd.*, IPR2016-01186.

10.   I am familiar with the subject matter of this proceeding. In addition to U.S. Pat. No. 9,187,405 ("the '405 patent") and its prosecution history, I am familiar with the technology at issue and with GILENYA®, the pharmaceutical product for which the '405 patent is listed in the Orange Book.

11.   In connection with my work on GILENYA®, I have become familiar with the prior art references that are the subject of this proceeding.

12.   Given my familiarity with the underlying facts and my litigation experience with the Federal Rules of Evidence, I have experience and expertise important to representing Novartis's interests in this matter.

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

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