

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-02031
U.S. Patent 6,407,213

**DECLARATION OF DARALYN J. DURIE IN SUPPORT OF PATENT
OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, Daralyn J. Durie, declare as follows:

1. I am an attorney licensed to practice law in the State of California.
2. I am a partner at the law firm Durie Tangri LLP and have litigated cases relating to patents for the past seven years.
3. I am a member in good standing of the State Bar of California and the United States Court of Appeal for the Federal Circuit. I am also admitted to practice before the United States Court of Appeals for the 1st Circuit, the United States Court of Appeals for the 3rd Circuit, the United States Court of Appeals for the 8th Circuit, the United States Court of Appeals for the 9th Circuit, the United States District Courts in the Northern, Central and Southern Districts of California.
4. I am a member in good standing in all jurisdictions where I have been admitted to practice.
5. I have never been suspended or disbarred from practice before any court or administrative body.
6. I have never had an application denied for admission to practice before any court or administrative body.
7. I have not had any sanctions or contempt citations imposed against me by any court or administrative body.
8. I have read and will 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.

9. I agree to 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).

10. In the last three (3) years, I have 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* granted) (not instituted); *Mylan Pharmaceuticals, Inc. v. Genentech, Inc. and City of Hope*, IPR2016-00710 (*pro hac vice* granted) (joined with IPR2017-00047) (terminated); *Mylan Pharmaceuticals, Inc. v. Genentech*, IPR2016-01693 (*pro hac vice* motion filed) (challenging U.S. Patent No. 6,407,213, that patent at issue in this case; terminated); *Mylan Pharmaceuticals, Inc. v. Genentech*, IPR2016-01694 (*pro hac vice* motion filed) (challenging U.S. Patent No. 6,407,213, that patent at issue in this case; terminated); *Hospira, Inc. v. Genentech, Inc.*, IPR2017-00731 (institution denied July 27, 2017, request for rehearing filed August 25, 2017; *pro hac vice* granted October 2, 2017; instituted October 26, 2017, pending); *Hospira,*

Inc. v. Genentech, Inc., IPR2017-00737 (*pro hac vice* granted June 21, 2017, pending); *Hospira, Inc. v. Genentech, Inc.*, IPR2017-00739 (*pro hac vice* granted June 21, 2017; institution denied July 27, 2017); *Hospira, Inc. v. Genentech, Inc.*, IPR2017-00804 (*pro hac vice* granted October 2, 2017, pending); *Hospira, Inc. v. Genentech, Inc.*, IPR2017-00805 (*pro hac vice* granted October 2, 2017, pending); *Celltrion, Inc. v. Genentech, Inc.*, IPR2017-01121 (*pro hac vice* granted October 30, 2017, pending); *Celltrion, Inc. v. Genentech, Inc.*, IPR2017-01122 (*pro hac vice* granted October 30, 2017, pending); *Celltrion, Inc. v. Genentech, Inc.*, IPR2017-01139 (*pro hac vice* granted October 30, 2017, pending); *Celltrion, Inc. v. Genentech, Inc.*, IPR2017-01140 (*pro hac vice* granted October 30, 2017, pending); *Celltrion, Inc. v. Genentech, Inc.*, IPR2017-01373 (*pro hac vice* motion to be filed, pending); *Celltrion, Inc. v. Genentech, Inc.*, IPR2017-01374 (*pro hac vice* motion to be filed, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-01488 (*pro hac vice* granted September 27, 2017, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-01489 (*pro hac vice* granted September 27, 2017, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-01726 (*pro hac vice* motion to be filed, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-01727 (*pro hac vice* motion to be filed, pending); *Samsung Bioepis, Co. Ltd. v. Genentech, Inc.*, IPR2017-01958 (*pro hac vice* motion to be filed, pending); *Samsung Bioepis, Co. Ltd. v. Genentech, Inc.*, IPR2017-01959 (*pro hac vice* motion to be filed, pending); *Samsung Bioepis, Co.*

Ltd. v. Genentech, Inc., IPR2017-01960 (joined to IPR2017-00737); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-02019 (*pro hac vice* to be filed, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-02020 (*pro hac vice* to be filed, pending); *Boehringer Ingelheim Pharmaceuticals, Inc. v. Genentech, Inc.*, IPR2017-02032 (*pro hac vice* to be filed, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-02063 (*pro hac vice* to be filed, pending); *Samsung Bioepis, Co. Ltd. v. Genentech, Inc.*, IPR2017-02139 (*pro hac vice* to be filed, pending); *Samsung Bioepis, Co. Ltd. v. Genentech, Inc.*, IPR2017-02140 (*pro hac vice* to be filed, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2018-00016 (*pro hac vice* to be filed, pending); *Samsung Bioepis, Co. Ltd. v. Genentech, Inc.*, IPR2018-00192 (*pro hac vice* to be filed, pending).

11. I have been litigating patent cases for 23 years. I have an established familiarity with the subject matter at issue in this proceeding. I have handled patent cases relating to recombinant antibodies for more than 16 years, and have represented Genentech in many of these patent cases. I have worked closely with Adam R. Brausa, counsel for Patent Owner in this matter.

12. Additionally, I am familiar 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 Petitioner in this proceeding. As a result, I have acquired substantial understanding of the underlying legal and technological issues at stake in this

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