

Patent Owner's Motion For Admission *Pro Hac Vice* Of Daralyn J. Durie

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-02032
U.S. Patent 6,407,213

**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 request that the Board admit Daralyn J. Durie *pro hac vice* in this proceeding, IPR2017-02032.

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

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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 2002 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). Backup counsel, Adam Brausa (Reg. No. 60,287) and Rebecca Whitfield (Reg. No. 73,756) are also registered practitioners.
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.

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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 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

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(*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.*, IPR2017-1489 (*pro hac vice* granted September 27, 2017, pending); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-01726 (*pro hac vice* motion to be filed, pending);

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