

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MODERNA THERAPEUTICS, INC.,
Petitioner,

v.

PROTIVA BIOTHERAPEUTICS, INC.,
Patent Owner.

Case No. IPR2018-00739
Patent No. 9,364,435

**DECLARATION OF MORGAN CHU IN SUPPORT OF
MODERNA THERAPEUTICS, INC.'S
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION**

Mail Stop: PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Morgan Chu, declare as follows:

1. I am an attorney licensed to practice law in the state of California.
2. I am a member in good standing of the Bar of the State of California.

I am also admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Federal, Second, Fifth, Ninth, and Eleventh Circuits, and the United States District Courts for the Central District of California, Northern District of California, Southern District of California, Eastern District of California, United States District Court for District of Colorado, United States District Court for the Western District of Wisconsin, and United States District Court for the Eastern District of Texas.

3. I am a member in good standing in all jurisdictions where I have been admitted to practice.
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. I have never had an application denied for admission to practice before any court or administrative body.
6. I have never had any sanctions or contempt citations imposed by any court or administrative body.

7. 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 the C.F.R.
8. 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).
9. I have appeared *Pro Hac Vice* before the Patent Trial and Appeal Board in connection with IPR Nos. IPR2013-00004, IPR2013-00007, IPR2014-00727, IPR2014-01510, IPR2014-01511, IPR2014-01513, IPR2015-01719, IPR2015-01764, IPR2015-01767, IPR2015-01768, IPR2017-00607, IPR2017-00608, IPR2017-00617, IPR2017-00619, IPR2017-00620, IPR2017-00621 and IPR2017-00623. I am concurrently applying for *pro hac vice* admission in IPR2018-00680.
10. I am a Partner at the law firm of Irell & Manella LLP. I have been litigating cases relating to patents for over forty (40) years.
11. I have an established familiarity with the subject matter of this proceeding and have engaged closely in issues related to the '435 patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true;

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and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of U.S. Patent No. 9,364,435.

Date: May 15, 2019

/Morgan Chu/
Morgan Chu

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