

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

BRISTOL-MYERS SQUIBB CO.
and PFIZER INC.,
Patent Owners.

IPR No. 2018-00892
Patent No. 9,326,945 B2

**DECLARATION OF KEVIN S. PRUSSIA IN SUPPORT OF
MOTION FOR ADMISSION *PRO HAC VICE***

I, Kevin S. Prussia, declare as follows:

1. I obtained a B.A. from New York University in 2001 and a J.D. from the Boston University School of Law in 2006.

2. I am currently a partner in the law firm of Wilmer Cutler Hale and Dorr LLP, a position which I have held since January 1, 2015. In my nearly 12 years of law practice, I have focused primarily on representing clients in patent litigations involving the chemical and pharmaceutical arts in United States district courts and the Court of Appeals for the Federal Circuit. Through this work, I have gained extensive experience as a litigating attorney, particularly in patent cases.

3. 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 of Massachusetts, and the Appellate Division, Supreme Court of New York, Third Judicial Department.

4. My Massachusetts Bar membership number is 666813.

5. Currently, I am appearing *pro hac vice* in IPR2017-00731, IPR2017-00737, IPR2017-00739, IPR2017-00804, IPR2017-00805, IPR2017-01121, IPR2017-01122, IPR2017-01139, IPR2017-01140, IPR2017-01373, IPR2017-

01374, IPR2017-01488, IPR2017-01489, IPR2017-01726, IPR2017-01727, IPR2017-01958, IPR2017-01959, IPR2017-01960, IPR2017-02031, IPR2017-02032, IPR2017-02063, IPR2017-02139, IPR2017-02140, IPR2018-00016, IPR2018-00192, IPR2018-00330, and IPR2018-00331. In the past three years, I have appeared *pro hac vice* before the Office in the following proceedings: *ASML Netherlands BV, et al. v. Energetiq Tech., Inc.*, IPR2015-01300 (*pro hac vice* granted); *ASML Netherlands BV, et al. v. Energetiq Tech., Inc.*, IPR2015-01377 (*pro hac vice* granted); *ASML Netherlands BV, et al. v. Energetiq Tech., Inc.*, IPR2015-01279 (*pro hac vice* granted); *ASML Netherlands BV, et al. v. Energetiq Tech., Inc.*, IPR2015-01277 (*pro hac vice* granted); *ASML Netherlands BV, et al. v. Energetiq Tech., Inc.*, IPR2015-01368 (*pro hac vice* granted); *ASML Netherlands BV, et al. v. Energetiq Tech., Inc.*, IPR2015-01362 (*pro hac vice* granted); *ASML Netherlands BV, et al. v. Energetiq Tech., Inc.*, IPR2015-01375 (*pro hac vice* granted); *Coalition for Affordable Drugs VII, LLC v. The Trustees of U. Penn.*, IPR2015-01835 (*pro hac vice* granted); *Coalition for Affordable Drugs VII, LLC v. The Trustees of U. Penn.*, IPR2015-01836 (*pro hac vice* granted).

6. I have an established familiarity with the subject matter of the U.S. Patent No. 9,326,945 (the '945 patent), the '945 patent's file history, and the prior art at issue in this proceeding. I have been representing Bristol-Myers Squibb Co. in connection with intellectual property matters since 2015 and currently represent

Bristol-Myers Squibb Co. and Pfizer Inc. in the related district court cases involving the '945 patent in the District of Delaware. I have also recently represented other pharmaceutical companies, including, among others, Novartis Pharmaceuticals Corp., Genentech, Inc., CSL Behring GmbH, and AbbVie, Inc., in intellectual property matters, including matters involving formulation technology.

7. I have never been suspended or disbarred from practice before any court or administrative body.

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

9. I have never had any sanctions or contempt citations imposed on me by any court or administrative body.

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

11. I agree to be subject to the United States Patent and Trademark Office 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).

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; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under

Section 1001 of Title 18 of the United States Code.

Respectfully submitted,

Dated: May 14, 2018

/ Kevin S. Prussia/

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