

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC,  
Petitioner,

v.

MERCK SHARP & DOHME CORP.,  
Patent Owner.

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Case No. IPR2020-00040  
U.S. Patent No. 7,326,708

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**DECLARATION OF BRUCE. R. GENDERSON IN SUPPORT OF UNOPPOSED  
MOTION FOR PRO HAC VICE ADMISSION PURSUANT TO 37 C.F.R. § 42.10(c)**

Merck Exhibit 2001  
Mylan Pharmaceuticals Inc. v. Merck Sharp & Dohme Corp.  
IPR 2020-00040

I, Bruce R. Genderson, am more than twenty-one years of age, am competent to present this declaration, have personal knowledge of the facts set forth herein, and hereby declare as follows:

1. This declaration is given in support of Patent Owner Merck Sharp & Dohme Corp.'s Motion for *Pro Hac Vice* Admission of Bruce R. Genderson.
2. I am a partner at Williams & Connolly LLP, 725 12th St., NW, Washington, DC 20005. I have more than thirty years of litigation experience.
3. I am a member in good standing of the bars of Maryland and the District of Columbia.
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. No court or administrative body has ever denied my application for admission to practice before it.
6. No court or administrative body has ever imposed sanctions or contempt citations on me.
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 37 C.F.R.
8. I understand that I will be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq. and will be subject to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
9. I have not applied to appear *pro hac vice* in other proceedings before the Office in the last three (3) years.

Merck Exhibit 2001  
Mylan Pharmaceuticals Inc. v. Merck Sharp & Dohme Corp.  
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10. I am familiar with the subject matter at issue in the present proceeding. This familiarity comes from having:

- a) Reviewed in detail the pleadings submitted by Petitioner in this Case No. IPR2020-00040;
- b) Reviewed in detail the challenged patent, U.S. Patent No. 7,326,708;
- c) Reviewed in detail exhibits relied upon by Petitioner, such as Exhibit 1002 (Declaration of Dr. Mukund Chorghade, Ph.D.);
- d) Engaged in extensive strategic and substantive discussions regarding this proceeding with Stanley E. Fisher, who is the lead counsel for Patent Owner Merck Sharp & Dohme Corp. in this case;
- e) Engaged in the representation of Patent Owner Merck Sharp & Dohme Corp. in this case in related matters in federal district courts, including the assertion of U.S. Patent No. 7,326,708 in *Merck Sharp & Dohme Corp. v. Mylan Pharmaceuticals Inc.*, C.A. No. 19-cv-101-IMK (N.D.W.V.) and *In Re: Sitagliptin Patent Litigation*, MDL No. 19-2902-RGA (D. Del.) (consolidated).

11. I have reviewed in detail relevant case law and other legal authority related to the allegations made in the Petition.

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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 were made with the knowledge that willful false statements and the like are

Merck Exhibit 2001  
Mylan Pharmaceuticals Inc. v. Merck Sharp & Dohme Corp.  
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punishable by fine or imprisonment, or both, under Section 1001 of Title 18, United States Code and may jeopardize the validity of any application or any patent issuing thereon.

/Bruce R. Genderson/  
Bruce R. Genderson

Merck Exhibit 2001  
Mylan Pharmaceuticals Inc. v. Merck Sharp & Dohme Corp.  
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