

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIGEL PHARMACEUTICALS, INC.

Petitioner,

v.

SERVIER PHARMACEUTICALS LLC

Patent Owner.

Case No. IPR2022-01423

Patent: 10,610,125

**DECLARATION OF EVAN D. DIAMOND IN
SUPPORT OF MOTION TO APPEAR *PRO HAC VICE***

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

I, Evan D. Diamond, declare as follows:

1. I am more than twenty-one years of age, I have personal knowledge of the facts set forth in this declaration, and, if called as a witness, could and would testify competently under oath.

2. I am a member in good standing of the State Bar of New York (Bar No. 4595419).

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

4. None of my applications for admission to practice before any court or administrative body have ever been denied.

5. I have never been sanctioned nor have I had a contempt citation imposed on me by any court or administrative body.

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

7. I acknowledge and agree that I 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).

8. I am a Partner in the Life Sciences Intellectual Property practice of King & Spalding LLP. I am an experienced patent litigation attorney with a focus on the fields of pharmaceuticals and biotechnology. I have been practicing for over 15

years, representing pharmaceutical and biotechnology clients in both federal district court patent infringement suits across the country, and *inter partes* review proceedings before the Patent Trial and Appeal Board.

9. I have a technical background pertinent to the issues in this proceeding, including a B.A. in Biochemistry and an M.S. in Chemistry from the University of Pennsylvania. Further biographic information is provided in Exhibit 2004.

10. I have studied and analyzed the field of technology relevant to the '125 Patent, as well as the claims, specification and prosecution history of the '125 Patent. I have become very familiar with both the particular subject matter and substantive issues concerning the '125 Patent. I am also familiar with the alleged prior art references asserted by Petitioner in this *inter partes* review proceeding.

I declare under penalty of perjury that the foregoing is true and correct, and that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

Executed on September 6, 2022 in New York, NY.

By: /Evan D. Diamond/
Evan D. Diamond
KING & SPALDING LLP