

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TWI PHARMACEUTICALS, INC.,  
Petitioner,

v.

MERCK SERONO SA,  
Patent Owner.

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Case IPR2023-00049  
U.S. Patent No. 7,713,947

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**DECLARATION OF DAVID B. BASSETT**  
**IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE***

Merck 2001  
TWi v Merck

I, David B. Bassett, declare as follows:

1. I was admitted to the Indiana Bar in 1987, the Massachusetts Bar in April 1988, and the New York Bar in March 2007. I have been practicing law for 36 years. For more than three decades, I have had significant involvement in dozens of patent litigation disputes in a variety of jurisdictions, with a particular emphasis on patent litigation in the life sciences. I have been counsel of record in more than one hundred patent cases and served as lead trial counsel in a number of patent litigation trials.

2. I am a member in good standing of the Bars of Indiana, Massachusetts, and New York and am admitted to practice before the U.S. District Court for the District of Massachusetts.<sup>1</sup> I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit.

3. My Indiana Bar membership number is 11905-49. My Massachusetts Bar membership number is 551148. My New York bar membership number is 4496089.

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

5. I have never had a court or administrative body deny my application

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<sup>1</sup> My bar membership in Indiana is currently on inactive member status.

for admission to practice.

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 Patent Office Trial Practice Guide and the Board's Rules for Practice for Trials, as set forth in 37 C.F.R. Part 42.

8. 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).

9. In the past three years, I have appeared *pro hac vice* before the United States Patent and Trademark Office in the following proceedings: *Hopewell Pharma Ventures, Inc., v. Merck Serono SA*, including Case Nos. IPR2023-00480 and IPR2023-00481.

10. I am intimately familiar with the subject matter at issue in this proceeding. I have reviewed the papers and exhibits filed in this proceeding. I also participated in drafting papers filed thus far in this proceeding. In addition to this proceeding, I participated in reviewing and drafting papers in the related *inter partes* review matters challenging U.S. Patent No. 7,713,947 (the "947 patent") and U.S. Patent No. 8,377,903 (the "903 patent"), which were filed as *Hopewell*

*Pharma Ventures, Inc., v. Merck Serono SA*, IPR2023-00480, and *Hopewell*

*Pharma Ventures, Inc., v. Merck Serono SA*, IPR2023-00481, respectively.

Moreover, I am currently representing Merck KGaA, Merck Serono SA, and Ares Trading SA (collectively, “Merck”) in the following parallel district court

litigations, in which the '947 patent is a patent-in-suit: *Merck KGaA, Merck Serono SA, and Ares Trading SA v. Accord Healthcare, Inc.*, No. 1:22-cv-00974-GBW (D.

Del.) and *Merck KGaA, Merck Serono SA, and Ares Trading SA v. Hopewell*

*Pharma Ventures, Inc., et al.*, No. 1:22-cv-01365-GBW (consolidated)<sup>2</sup> (D. Del.).

11. I am also familiar with treatment for neurological disorders and small molecule therapeutics. I have represented a number of life sciences,

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<sup>2</sup> The following cases have been consolidated as *Merck Serono SA, and Ares Trading SA v. Hopewell Pharma Ventures, Inc., et al.*, No. 1:22-cv-01365-GBW (D. Del.): *Merck KGaA, Merck Serono SA, and Ares Trading SA v. Hopewell Pharma Ventures, Inc.*, No. 1:22-cv-01365-GBW (D. Del.); *Merck KGaA, Merck Serono SA, and Ares Trading SA v. Aurobindo Pharma USA, Inc. and Aurobindo Pharma Limited*, No. 1:23-cv-00039-GBW (D. Del.); and *Merck KGaA, Merck Serono SA, and Ares Trading SA v. Apotex Inc. and Apotex Corp.*, No. 1:23-cv-00655-GBW (D. Del.).

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Motion for Admission *Pro Hac Vice*

pharmaceutical, biotechnology, and diagnostics companies, including Precision BioSciences, Inc.; Gilead Sciences, Inc.; Allergan; Shionogi, Inc.; Nycomed US Inc.; Biogen Idec, Inc.; Millennium Pharmaceuticals, Inc.; SPD Swiss Precision Diagnostics GmbH; and others in many patent litigation matters before federal district courts and appellate courts. The technology involved in some of these disputes included methods of diagnosing and treating neurological disorders.

12. 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.

Dated: January 27, 2024

Respectfully Submitted,

**// David B Bassett//**

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