

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWI PHARMACEUTICALS, INC.,
Petitioner,

v.

MERCK SERONO SA,
Patent Owner.

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

**DECLARATION OF VINITA FERRERA
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE***

Merck 2002
TWi v Merck

I, Vinita Ferrera, declare as follows:

1. I was admitted to the Massachusetts Bar in February 1996 and the New York Bar in April 1996. I have been practicing law for over 27 years.

My practice has focused on patent litigation disputes in a variety of jurisdictions, with a particular emphasis on patent litigation in the life sciences fields.

2. I have been counsel of record in over 40 patent litigations and participated in all aspects of such litigation, including trials and appeals.

3. I am a member in good standing of the Bars of Massachusetts and New York and am admitted to practice before the U.S. District Court for the District of Massachusetts and the U.S. District Court for the District of Colorado. I am also admitted to practice before the U.S. Court of Appeals for the Federal Circuit, the First Circuit, and the Second Circuit.

4. My Massachusetts Bar membership number is 631190. My New York Bar membership number is 2750727.

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

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

7. I have never had any sanctions or contempt citations imposed by any court or administrative body.

8. 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.

9. 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).

10. 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.

11. 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)¹ (D. Del.).

12. I am also familiar with pharmaceuticals, methods of treatment, and small molecule therapeutics. I have represented a number of life sciences, pharmaceutical, biotechnology, and diagnostics companies, including Gilead

¹ 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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Declaration of Vinita Ferrera in Support of
Motion for Admission *Pro Hac Vice*

Sciences, Inc.; AbbVie, Inc.; GlaxoSmithKline; Novartis Corporation; Precision Biosciences, Inc.; Palomar Medical Technologies, Inc.; Proctor & Gamble Co.; Millennium Pharmaceuticals, Inc.; Shionogi, Inc.; and other companies in confidential representations in many patent litigation matters, including before federal district courts.

13. 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 29, 2024

Respectfully Submitted,

Vinita Ferrera

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