

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HOPEWELL PHARMA VENTURES, INC.,
Petitioner,

v.

MERCK SERONO SA,
Patent Owner.

Case IPR2023-00480
U.S. Patent No. 7,713,947

DECLARATION OF DAVID MLAYER
IN SUPPORT OF MOTION FOR ADMISSION *PRO HAC VICE*

Merck 2075
Hopewell v Merck

I, David Mlaver, declare as follows:

1. I was admitted to the Maryland Bar in 2014, the District of Columbia Bar in 2016, and the Massachusetts Bar in 2022. I have been practicing law for over nine years, with an emphasis on patent litigation in the life sciences. I have served as a counsel of record in patent litigation in federal district court.

2. I am a member in good standing of the Bars of the District of Columbia, Maryland, and Massachusetts.

3. My District of Columbia Bar membership number is 1030609. My Maryland Bar membership number is 1412170231. My Massachusetts Bar membership number is 710643.

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 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 not appeared *pro hac vice* before the United States Patent and Trademark Office.

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 and the related *inter partes* review matter challenging U.S. Patent No. 8,377,903 (the “’903 patent”), which was filed as *Hopewell Pharma Ventures, Inc., v. Merck Serono SA*, IPR2023-00481. Moreover, I am currently representing Merck KGaA, Merck Serono SA, and Ares Trading SA (collectively, “Merck”) in the following consolidated district court litigation, in which the ’947 patent is a patent-in-suit: *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.).

¹ The following cases have been consolidated as *Merck KGaA, 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.*

11. 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 Sciences, Inc.; Novartis Pharmaceuticals Corp.; Qiagen NV; Merck KGaA; Bausch Health US, LLC; United Therapeutics Corp.; Bristol-Myers Squibb Co.; and others in many patent litigation matters, including before federal district courts.

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.

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.).

Case No. IPR2023-00480
Declaration of David Mlaver in Support of
Motion for Admission *Pro Hac Vice*

Dated: February 7, 2024

Respectfully Submitted,

/David Mlaver/

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