

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRESENIUS KABI USA, LLC and FRESENIUS KABI SWISSBIOSIM GmbH
Petitioners,
v.

CHUGAI SEIYAKU KABUSHIKI KAISHA and HOFFMAN-LA ROCHE INC.
Patent Owners.

IPR2022-00201
Patent No. 9,750,752

Title: SUBCUTANEOUSLY ADMINISTERED ANTI-IL-6 RECEPTOR
ANTIBODY

**DECLARATION OF DANIEL P. MARGOLIS IN SUPPORT OF
PETITIONERS' MOTION FOR PRO HAC VICE ADMISSION OF
DANIEL P. MARGOLIS UNDER 37 C.F.R. § 42.10(c)**

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

I, Daniel P. Margolis, declare as follows:

1. I obtained a B.S. in Chemical Engineering from Rutgers University College of Engineering in 1998, a Ph.D. in Chemical Engineering from Carnegie Mellon University in 2003, and a J.D. from New York University School of Law in 2006.

2. I am currently a partner in the law firm of Allen & Overy LLP, a position I have held since 2022. In my fifteen years of practice, I have focused primarily on representing clients in patent litigations involving the chemical arts in United States district courts, the Court of Appeals for the Federal Circuit, and in the United States International Trade Commission. Through this work, I have gained extensive experience as a litigating attorney, particularly in patent cases.

3. I am a member in good standing of the Bar of the State of New York, and am admitted to practice before the United States District Court for the Southern District of New York and the United States District Court for the Northern District of New York.

4. In the last three years, I have been admitted to appear *pro hac vice* before the Patent Trial and Appeal Board in PGR 2021-00006, IPR 2021-01024, IPR 2021-01025, IPR2021-01288, and IPR2021-01542.

5. I have substantial familiarity with the subject matter at issue in this proceeding. Petitioners have challenged U.S. Patent No. 9,750,752 (“the ’752

patent”), the patent at issue in this proceeding. I have developed a strong familiarity with the ’752 patent, its prosecution history, the general subject matter to which the ’752 patent is directed, and the prior art references relied upon by Petitioners in support of their Papers. Furthermore, I have thoroughly reviewed the Petition and accompanying Exhibits submitted in this proceeding.

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

7. I have never had an application for admission to practice before any court or administrative body denied.

8. I have never been subject to any sanction or contempt citation imposed by any court or administrative body.

9. 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.

10. I agree to 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).

11. I declare under penalty of perjury that the foregoing is true and correct. I further 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 so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on: March 16, 2022

/Daniel P. Margolis/
Daniel P. Margolis