

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ILLUMINA, INC.,
Petitioner,

v.

THE TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK
Patent Owner.

Case IPR2018-00322
Patent 9,708,358

DECLARATION OF ROBERT S. SCHWARTZ IN SUPPORT OF PATENT
OWNER'S MOTION FOR ADMISSION *PRO HAC VICE*
UNDER 37 C.F.R. § 42.10

Columbia Exhibit 2001
Illumina, Inc. v. The Trustees of Columbia
University in the City of New York
IPR2018-00322

I, Robert S. Schwartz, being over 18 years of age and competent to testify and make this declaration based upon my personal knowledge, and being duly sworn and upon oath, hereby attest to the following.

1. I am a partner at Fitzpatrick, Cella, Harper & Scinto.
2. I have been a litigating attorney for almost 14 years. I have been litigating patent cases during that entire time period.
3. I am a member in good standing of the State Bar of New York.
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. I have never been denied admission to practice before any court or administrative body.
6. No sanctions or contempt citations have ever been imposed against me by any court or administrative body.
7. 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 the 37 C.F.R.
8. I understand and agree that I will be subject to the USPTO Code of Professional Responsibility 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 last three years, I have applied to appear *pro hac vice* in the following proceedings before the USPTO: *Gilead Sciences, Inc. v. Regents of the University of Minnesota*, IPR2017-01712 (Paper 9, Sep. 11, 2017), IPR2017-01753 (Paper 9, Sep. 11, 2017), IPR2017-02004 (Paper 9, Oct. 3, 2017), IPR2017-02005 (Paper 9, Oct. 3, 2017). I have also applied to appear *pro hac vice* in *Illumina, Inc. v. Trustees Of Columbia University In The City of New York*, IPR2018-00291 (motion pending), and am concurrently applying to appear *pro hac vice* in *Illumina, Inc. v. Trustees Of Columbia University In The City of New York*, IPR2018-00318.

10. I have an established familiarity with the subject matter at issue in the proceeding. I began representing and advising the Patent Owner in matters relating to U.S. Patent No. 9,708,358 (“the ’358 patent”) no later than the issuance of the patent on July 18, 2017. Since that time, I have become very familiar with the ’358 patent, its prosecution file history, and the prior art and other papers cited in the Petition.

11. I am counsel for Patent Owner in the concurrent litigation *Trustees Of Columbia University In The City of New York v. Illumina, Inc.*, Civil Action No. 17-cv-00973-GMS, in the United States District Court for the District of Delaware, involving the same patent.

12. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and 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.

Dated: JAN. 12, 2018

By: 

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