

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

10X GENOMICS, INC.,
Petitioner,

v.

BIO-RAD LABORATORIES, INC.,
Patent Owner.

Case IPR2020-00086
Patent 9,562,837

**DECLARATION OF MATTHEW D. POWERS IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, MATTHEW D. POWERS, declare as follows:

1. I am a member in good standing of the State Bar of California as well as the bar of the United States Courts of Appeals for the Ninth Circuit, the bar of the United States Court of Appeals for the Federal Circuit, and the bar of the United States Supreme Court. I am also admitted to practice in the following United States District Courts: the Northern, Southern, Central, and Eastern Districts of California; the Eastern and Western Districts of Texas; the Northern District of Indiana; the Eastern District of Michigan; and the Western District of Wisconsin.

2. I have not been suspended or disbarred from practice before any court or administrative body.

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

4. No sanction or contempt citation has been imposed against me by any court or administrative body.

5. 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 Code of Federal Regulations.

6. I will 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).

7. I applied to appear *pro hac vice* before the Office in Proceeding Nos. IPR2016-00303, IPR2016-00306, IPR2016-00308, and IPR2016-00309. I applied to appear *pro hac vice* before the Office in Proceeding Nos. IPR2019-00565, IPR2019-00566, IPR2019-00567, and IPR2019-00568 in the last three years. All eight motions were granted. I am also concurrently applying to appear in Proceeding Nos. IPR2020-00087, IPR2020-00088, and IPR2020-00089.

8. I am an experienced litigation attorney with approximately thirty-six years of experience representing clients in patent cases involving a variety of technologies. I litigate patent cases in U.S. District Courts, the International Trade Commission, and the United States Court of Appeals for the Federal Circuit, and have litigated also before the International Chamber of Commerce. Through my experience in patent litigation matters, I have represented clients in all phases of litigation including fact discovery, expert discovery, *Markman* hearings, jury trials, bench trials, trials before administrative law judges, and appeals before the United States Court of Appeals for the Federal Circuit. I am one of the founding partners of Tensegrity Law Group LLP, a law firm specializing in patent litigation, trials, and appellate matters. Prior to forming Tensegrity, I was a managing partner at Weil, Gotshal & Manges LLP. My biography is attached hereto as Exhibit A.

9. I have an established familiarity with the subject matter at issue in this proceeding. I am lead trial counsel for 10X Genomics, Inc., the Petitioner in this

proceeding, in the U.S. District Court for the District of Delaware, Case No. 18-1679-RGA, which involves the same patent (U.S. Patent No. 9,562,837) and the same references identified in the Petition in this proceeding as the grounds for challenge. I also represented 10X Genomics, Inc., the Petitioner in this proceeding, in the U.S. District Court for the District of Delaware, Case No. 15-152-RGA, where Bio-Rad asserted U.S. Patent No. 7,129,091 (the 091 Ismagilov patent), which is one of the prior art references relevant to this IPR. Other art, such as the Thorsen Thesis, (also relevant to related petitions) was also at issue in that case. Likewise, I was lead trial counsel for Petitioner in Investigation No. 337-TA-1100 in the International Trade Commission, which addressed art from the same field. I have reviewed and am familiar with U.S. Patent No. 9,562,837 at issue in this proceeding, the Petition and supporting exhibits in this proceeding, the art presented in the Petition, the Patent Owner's Preliminary Response and supporting exhibits, and the legal and factual issues raised in this proceeding. As a result, I have a substantial understanding of the underlying legal and technological issues at stake in this proceeding.

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 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: May 13, 2020

/Matthew D. Powers/
Matthew D. Powers

EXHIBIT A

[Our History \(/ourhistory\)](#)

[Partners > \(/partners\)](#)

[Associates \(/associates\)](#)



Matthew Powers

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Matt Powers is known for taking tough cases to trial and winning them. He tries patent cases, trade secret cases, fraud cases, fiduciary duty cases, antitrust cases and contract cases. He has tried patent cases in every major patent venue, including U.S. district courts all over the country and the ITC, as well as maintaining a successful appellate practice at the Federal Circuit Court of Appeals. His litigation experience spans a wide variety of technologies, including computer hardware and software; operating systems and databases; networking; semiconductor devices, processing, and packaging; mobile phones and other consumer electronics; mobile commerce; medical devices; Wi-Fi and location services. Many of the world's leading companies have called on him to lead trial teams in difficult cases, and he is often called on to replace another firm's litigation team for trial on very short notice. He has led teams winning billion dollar cases for many of the leading companies in the world.

Mr. Powers is one the founding partners of the Tensegrity Law Group LLP, a boutique law firm specializing in patent litigation trials, and appellate and counseling matters. Many of the patent cases handled by Tensegrity are further complicated by trade secret, contract, or other issues. Prior to forming Tensegrity, Mr. Powers was a managing partner at Weil, Gotshal & Manges LLP.

Mr. Powers is a Fellow of the American College of Trial Lawyers and of the International Society of Barristers. In 2018, Mr. Powers received his 15th consecutive recognition by Super Lawyers. He is continually recognized as a "Star Performer" by Chambers USA and in 2011 he received top rankings in the national, local, federal circuit, and ITC categories in Managing Intellectual Property magazine. Managing Intellectual Property magazine also named him "Outstanding IP Practitioner of the Year" in 2010. He was named one of Northern California's top ten lawyers in 2009 by Super Lawyers. Commentators in Chambers USA 2010 noted that he is "universally recognized as a star in the field" because of "his impressive trial work." Chambers USA 2009 notes that clients lauded him as a

"mesmerizing trial lawyer" whose peers claim he "continues to soar," and emphasize his "unmistakable star quality." Mr. Powers was distinguished as a "Leading Lawyer" by Legal 500 US 2009 and described by clients as "a litigator you don't want to argue against in court." He was singled out by Chambers USA 2008 as "king of the jungle...a master trial litigator and a genius when it comes to patents... fantastically clever and exceptionally talented." Chambers USA 2007 also recognized him as a "Star Performer" - the only patent litigator in the country so recognized - calling him "genuinely feared as a courtroom opponent" and "a dominant force in the market." In 2007, The American Lawyer described Mr. Powers as a "bona fide litigation superstar." The National Law Journal named him one of the top ten litigators in the country in 2006, and in 2005 he was named "Trial Lawyer of the Year" by the Santa Clara County Trial Lawyers Association. He was also named a "Father of the Year" for 2004 by the Father's Day Council of San Francisco.

Mr. Powers is a frequent lecturer nationally and internationally on intellectual property litigation issues.

ADMISSIONS AND QUALIFICATIONS

1982, California

United States Supreme Court

United States Court of Appeals for the Federal Circuit

United States Court of Appeals for the 2nd Circuit

United States Court of Appeals for the 9th Circuit

United States District Court for the Northern District of California

United States District Court for the Central District of California

United States District Court for the Eastern District of California

United States District Court for the Southern District of California

United States District Court for the Eastern District of Texas

United States District Court for the Western District of Texas

United States District Court for the Northern District of Indiana

United States District Court for the Eastern District of Michigan

United States District Court for the Western District of Wisconsin

EDUCATION

Harvard Law School, J.D. (1982)

Northwestern University (1979)

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DISCLAIMERS (/DISCLAIMER)

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