

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 ROBERT GERRITY IN SUPPORT OF
PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, ROBERT GERRITY, declare as follows:

1. I am a member in good standing of the State Bar of California as well the bar of the United States Court of Appeals for the Federal Circuit. I am also admitted to practice in the following United States District Courts: the Northern, Central and Southern Districts of California, the Eastern District of Texas and the Eastern 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 have not applied to appear *pro hac vice* before the Office in any other proceedings during the past three years. I am concurrently applying to appear in Proceeding Nos. IPR2020-00087, IPR2020-00088, and IPR2020-00089.

8. I am an experienced litigation attorney with approximately 11 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. Through my experience in patent litigation matters, I have represented clients in all phases of litigation including discovery, jury trials, bench trials, *Markman* hearings, and appeals. I am one of the partners of Tensegrity Law Group LLP, a law firm specializing in patent litigation, trials, and appellate matters. My biography is attached hereto as Exhibit A.

9. I have an established familiarity with the subject matter at issue in this proceeding. I represent 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. 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

/Robert Gerrity /
Robert Gerrity

EXHIBIT A

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

Partners > (/partners)

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



Robert Gerrity

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Robert Gerrity has plaintiff and defense side experience in patent litigation matters in U.S. district court and the ITC, recently serving clients such as Amkor, Intellectual Ventures, Maxim Integrated Products, Solocron Media, and Limelight. His practice involves a wide range of technologies, including computer hardware, consumer electronics, semiconductor packaging, cellular communication standards, touch screen devices, imaging sensors, operating systems, mobile applications, networking software, e-commerce and mobile payment technologies, and medical devices. Prior to joining Tensegrity Law Group in 2011, he was an associate at Weil, Gotshal & Manges LLP.

ADMISSIONS AND QUALIFICATIONS

California (2009)

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 Southern District of California

United States District Court for the Eastern District of Texas

United States District Court for the District of Wisconsin

United States Court of Appeals for the Federal Circuit

EDUCATION

NYU Law School, J.D. (2009)

Pomona College, B.A., Mathematics (2006)

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DISCLAIMERS (/DISCLAIMER)

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