

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

**PETITIONER 10X GENOMICS, INC.'S UNOPPOSED MOTION FOR
PRO HAC VICE ADMISSION UNDER 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), Petitioner 10X Genomics, Inc. (“10X”) respectfully requests that the Board recognize Aaron M. Nathan as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Mr. Nathan due to his familiarity with the Bio-Rad patent and prior art identified in the Petition in this proceeding based on his representation of 10X before the U.S. District Court for the District of Massachusetts, U.S. District Court for the District of Delaware, International Trade Commission, as well as his experience in representing clients in patent cases in major patent venues, including U.S. District Courts, the U.S. Court of Appeals for the Federal Circuit, and the International Trade Commission, and would like Mr. Nathan to participate in the trial of this *inter partes* review proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper No. 4) that was mailed on October 29, 2019 (“Notice”).

Patent Owner has confirmed that it will not oppose this motion.

I. GOVERNING RULES AND PRECEDENT

37 C.F.R. § 42.10(c) provides:

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that

counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

The Board has specified that motions under 37 C.F.R. § 42.10(c) should be filed “in accordance with the ‘Order -- Authorizing Motion *for Pro Hac Vice* Admission’ in Case IPR2013-00639, Paper 7.” Notice at 2. That Order states that the motion must “[c]ontain a statement of facts showing there is good cause for the Board to recognize counsel *pro hac vice* during the proceeding” and that it must “[b]e accompanied by an affidavit or declaration of the individual seeking to appear” that attests to the facts specified in the Order. *Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, Paper No. 7 (P.T.A.B. Oct. 15, 2013) (“*Unified Patents* Order”).

The statement of facts that follows shows there is good cause for the Board to recognize Mr. Nathan as counsel *pro hac vice* during this proceeding. This Motion for *Pro Hac Vice* Admission is accompanied by the required Declaration of Mr. Nathan that includes the facts specified in the *Unified Patents* Order.

II. STATEMENT OF FACTS

Petitioner's lead counsel, Samantha A. Jameson, is a registered practitioner (Reg. No. 57,609). Backup counsel Gina Cremona (Reg. No. 74,844) and Daniel Radke (Reg. No. 69,820) are also registered practitioners.

Mr. Nathan is an experienced patent litigation attorney with over twelve years of experience representing clients in patent cases involving numerous technologies.

Mr. Nathan has experience as a patent litigator before the U.S. District Courts, the International Trade Commission, and the United States Court of Appeals for the Federal Circuit. Through his practice in such cases, Mr. Nathan has gained substantial experience in patent litigation including fact discovery, expert discovery, *Markman* hearings, a trial before an administrative law judge, and appeals before the Federal Circuit. In addition, Mr. Nathan served as a law clerk at the United States Court of Appeals for the Federal Circuit. Petitioner provides Exhibit A, Mr. Nathan's biography, as evidence.

Mr. Nathan is a member in good standing of the State Bars of California and Virginia and the Bar of the District of Columbia, and is admitted to practice before the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Federal Circuit, and the United States District Courts for the Northern and Central Districts of California and the Eastern and Northern Districts of Texas. Mr. Nathan has never been suspended or disbarred from practice before any court or administrative body and has never had an application for admission to practice before any court or administrative body denied. Also, no sanction or contempt citation has been imposed against Mr. Nathan by any court or administrative body. Mr. Nathan has read and agrees to 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, and 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). Mr. Nathan's previous *pro hac vice* motions in Proceeding Nos. IPR2019-00565, IPR2019-00566, IPR2019-00567, and IPR2019-00568 filed in the last three years have been granted. Mr. Nathan is now concurrently applying to appear in Proceeding Nos. IPR2020-00087, IPR2020-00088, and IPR2020-00089.

Mr. Nathan also has an established familiarity with the subject matter at issue in this *inter partes* review proceeding, including the substantive and technical issues involved. Mr. Nathan represents 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; and in the U.S. District Court for the District of Massachusetts, Case No. 19-CV-12533, which involves similar art. Likewise, Mr. Nathan was trial counsel for Petitioner in Investigation No. 337-TA-1100 in the International Trade Commission, which addressed art from the same field. Mr. Nathan has reviewed and considered the Petition and supporting exhibits, the art presented in the Petition, the Patent Owner's Preliminary Response and supporting exhibits, and U.S. Patent No. 9,562,837. Should the present motion be granted, Petitioner intends for Mr. Nathan to participate in the trial of this IPR proceeding.

III. CONCLUSION

Accordingly, Petitioner submits that there is good cause under 37 C.F.R. § 42.10(c) for the Board to recognize Mr. Nathan as counsel *pro hac vice* during this proceeding.

Dated: May 13, 2020

Respectfully submitted,

/Samantha A. Jameson/
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10X Genomics, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 13, 2020, copies of the foregoing were served via Electronic Mail to the following:

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EXHIBIT A

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

Partners > (/partners)

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



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Aaron Nathan has extensive experience litigating complex cases involving patent and contract disputes. In addition to practicing in U.S. district courts and the ITC, he has contributed to successful representations before the United States Court of Appeals for the Federal Circuit. His practice has involved a broad range of technologies, including computer hardware and software, flash memory, network technology, computer security, mobile payment technologies, location technology, wireless communications, pharmaceuticals, and biotechnology. Before joining Tensegrity Law Group in 2012, he was law clerk to the Honorable Richard Linn of the United States Court of Appeals for the Federal Circuit. Prior to his clerkship, he was an associate at Durie Tangri LLP and Weil, Gotshal & Manges LLP.

In 2017, Mr. Nathan was recognized as a “Rising Star” by Super Lawyers.

ADMISSIONS AND QUALIFICATIONS

2007, California

2010, District of Columbia

2018, Virginia

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 Texas

United States District Court for the Northern District of Texas

United States Court of Appeals for the Federal Circuit

United States Court of Appeals for the Ninth Circuit

EDUCATION

Stanford Law, J.D. (2007)

UC Berkeley, Ph.D., Rhetoric (2003)

UC Berkeley, M.A., Rhetoric (2000)

University of Michigan, B.A., Classics (1999)

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DISCLAIMERS (/DISCLAIMER)

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