

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 Robert Gerrity as counsel *pro hac vice* in this proceeding. Petitioner seeks the counsel of Mr. Gerrity 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 Delaware and the U.S. District Court for the District of Massachusetts, as well as his experience in representing clients in patent cases in major patent venues across the country, including U.S. District Courts, the U.S. Court of Appeals for the Federal Circuit, and the International Trade Commission, and would like Mr. Gerrity 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. Gerrity as counsel *pro hac vice* during this proceeding. This Motion for *Pro Hac Vice* Admission is accompanied by the required Declaration of Mr. Gerrity 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. Gerrity is an experienced patent litigation attorney with 11 years of experience representing clients in patent cases involving numerous technologies.

Mr. Gerrity regularly litigates patent cases before various 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. Gerrity has gained substantial experience in patent litigation including jury trials, bench trials, discovery, *Markman* hearings, and appeals. Petitioner provides Exhibit A, Mr. Gerrity's biography, as evidence.

Mr. Gerrity is a member in good standing of the State Bar of California. Mr. Gerrity 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. Gerrity by any court or administrative body. Mr. Gerrity 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. Gerrity's has not applied to appear *pro hac vice* before the Office in any other proceeding during the past three years, and will be concurrently applying to appear in Proceeding Nos. IPR2020-00087, IPR2020-00088, and IPR2020-00089.

Mr. Gerrity 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. Gerrity 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 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, and where other art, such as the Thorsen Thesis, also relevant to related petitions, was at issue. Mr. Gerrity 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. Gerrity 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. Gerrity as counsel *pro hac vice* during this proceeding.

Dated: May 13, 2020

Respectfully submitted,

/Samantha A. Jameson/
Samantha A. Jameson
USPTO Reg. No. 57,609
Tensegrity Law Group LLP
8260 Greensboro Dr., Suite 260
McLean, VA 22102
Telephone: 703-940-5033
Facsimile: 650-802-6001
samantha.jameson@tensegritylawgroup.com
10X_TLG_IPR_Service@tensegritylawgroup.com

Counsel for Petitioner
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:

David Bilsker (Reg. No. 39611) (Lead Counsel)
davidbilsker@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, California 94111

Kevin Johnson (Reg. No. 38927) (Back-up Counsel)
kevinjohnson@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
555 Twin Dolphin Dr., 5th Floor
Redwood Shores, California 94065

Anne S. Toker (Reg. No. 53692) (Back-up Counsel)
annetoker@quinnemaniel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010

/Samantha A. Jameson/
Samantha A. Jameson
USPTO Reg. No. 57,609
Tensegrity Law Group LLP
8260 Greensboro Dr., Suite 260
McLean, VA 22102
Telephone: 703-940-5033
Facsimile: 650-802-6001
samantha.jameson@tensegritylawgroup.com
10X_TLG_IPR_Service@tensegritylawgroup.com

Counsel for Petitioner
10X Genomics, Inc.

EXHIBIT A

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

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

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



Robert Gerrity

Email: [Robert.Gerrity \(mailto:Robert.Gerrity@tensegritylawgroup.com\)](mailto:Robert.Gerrity@tensegritylawgroup.com)

Phone: 650-802-6040

555 Twin Dolphin Drive
Suite 650
Redwood Shores, CA 94065

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)

**555 TWIN DOLPHIN DRIVE, STE 650
REDWOOD SHORES, CA 94065
(650) 802-6000**

**DISCLAIMERS (/DISCLAIMER)
© 2020**