

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DANA-FARBER CANCER INSTITUTE, INC.,  
Petitioner

v.

Bristol-Myers Squibb Company,  
Patent Owner

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Case: IPR2023-00249  
Patent No. 10,323,092 B2

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**DECLARATION OF KATHERINE A. HELM IN SUPPORT OF  
MOTION FOR ADMISSION *PRO HAC VICE***

I, Katherine A. Helm, declare as follows:

1. I am counsel to Petitioner Dana-Farber Cancer Institute, Inc. (“Petitioner”). I have been providing Petitioner with privileged legal advice in connection with U.S. Patent No. 10,323,092 (“the ’092 patent”) and related patents, in connection with co-pending district court litigation between the parties to this proceeding.

2. I am a partner in the law firm of Dechert LLP and a member of the Litigation Department and the Intellectual Property Group in the New York Office. I have been practicing law as a litigator and trial lawyer for over fifteen years, appearing and acting as counsel in numerous litigation matters before various U.S. District Courts and U.S. Courts of Appeals, including arguing appeals as lead counsel before the U.S. Courts of Appeals for the Federal Circuit and the Fourth Circuit. The majority of these cases have been within the field of intellectual property and, particularly, patent litigation, in the pharmaceutical and biologics industries.

3. I am a member in good standing in all jurisdictions and courts where I have been admitted to practice. This includes the bars in the State of New York, the Commonwealth of Massachusetts, and the District of Columbia, as well as the following courts: the Supreme Court of the United States, the United States Court of Appeals for the Federal Circuit, the United States Courts

of Appeals for the Second Circuit, the Third Circuit, the Fourth Circuit, and the Ninth Circuit, as well as United States Court of Appeals for Veterans Claims, the United States District Courts for the Southern and Eastern Districts of New York, and the United States District Court for the District of Massachusetts.

4. I hold a doctorate in a biological science (neuroscience) and I spent five years prior to and during law school working as a technical advisor in the Intellectual Property Group of a large New York law firm, where I focused on pharmaceutical and biotechnology patent prosecution, patent litigation and patent counseling. I have also worked on a variety of contested proceedings before various patent offices, including interferences before the United States Patent and Trademark Office (“USPTO”) Board of Appeals and Interferences, *inter partes* reviews (“IPRs”) and post grant reviews (“PGRs”) before the USPTO’s Patent Trial and Appeal Board (“PTAB”), oppositions before the Opposition Division of the European Patent Office, and opposition appeals before the European Patent Office Technical Boards of Appeal. Each of these contested proceedings involved patents relating to products in the pharmaceutical industry.

5. I have carefully reviewed, developed an extensive familiarity with, and acquired a substantial understanding of the ’092 patent, and its file history, the legal subject matter, the factual and technical subject matter, and

the prior art and expert testimony presented in Petitioner's request for *inter partes* review of the '092 patent, which forms the basis of this proceeding.

6. I have an in-depth familiarity with the subject matter at issue in this proceeding, including the pharmaceutical use and immunotherapeutic use of monoclonal antibodies, as well as the monoclonal antibody field more generally as a result of my participation as counsel in numerous antibody and other biologics-related patent cases for various clients.

7. I have been admitted to appear *pro hac vice* before the PTAB four (4) times in the last three (3) years, each of which has involved patents in the pharmaceutical industry, including monoclonal antibodies, in *Eli Lilly & Co. v. Genentech, Inc.*, PGR2019-00043, *BicycleRD Limited v. Pepscan Systems B.V.*, IPR2020-01569, and IPR2020-01626; and *Kymera Therapeutics, Inc. v. Dana-Farber Cancer Institute, Inc.*, PGR2021-00115.

8. I have never had any application for admission to practice before the PTAB or any other court or administrative body denied.

9. I have never been suspended or disbarred from practice before the PTAB or any other court or administrative body.

10. I have never had any sanctions or contempt citations imposed on me by the PTAB or any other court or administrative body.

11. 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 37

C.F.R.

12. I agree to 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).

13. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 3, 2023

Respectfully submitted,

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