

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 NOAH M. LEIBOWITZ IN SUPPORT OF MOTION  
FOR ADMISSION *PRO HAC VICE***

I, Noah M. Leibowitz, hereby declare as follows:

1. I am of age and make this declaration upon my personal knowledge.
2. I am an experienced patent litigator. I have litigated numerous patent cases over the past 23 years and tried several patent cases to verdict.
3. I am counsel to Petitioner. I have been providing Petitioner (privileged) legal advice in connection with U.S. Patent No. 10,323,092 (“the ’092 patent”) and related patents, and in connection with district court litigation between the parties to this IPR.
4. I have an in-depth familiarity with the subject matter at issue in this proceeding, including the pharmaceutical use and immunotherapeutic use of antibodies, as well as the antibody field more generally as a result of my participation as counsel in numerous pharmaceutical-related patent cases over the past two decades. I have reviewed the patent and the papers and evidence filed by Petitioner.
5. I am a member in good standing of the New York and New Jersey bars, and am admitted to practice before the United States Supreme Court, the U.S. Courts of Appeals for the Federal, Second, and Third Circuits, and the U.S. District Courts for the Eastern District of New York, Southern District of New York, and the District of New Jersey.
6. I have not been suspended or disbarred from practice before any court or administrative body.

7. I have not had any application for admission to practice before any court or administrative body denied.

8. I have not been the subject of any sanctions or contempt citations imposed by any court to administrative body.

9. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trial set forth in part 42 of 37 C.F.R.

10. 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).

11. I either have appeared or intend to appear *pro hac vice* before the Office in the related IPR proceedings identified in Patent Owner's Mandatory Notices in this case. I have appeared before the Office *pro hac vice* eighteen (18) times in the last three (3) years in *Ingenico Inc. et al v. IOENGINE, LLC*, IPR2019-00416; *Ingenico Inc. et al v. IOENGINE, LLC*, IPR2019-00879; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00884; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00885; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00886; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00887; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00906; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00907; *Ingenico Inc. et al v. IOENGINE, LLC*, IPR2019-00929; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00930; *PayPal, Inc. et al v. IOENGINE, LLC*, IPR2019-00931; *Club Champion LLC v. True Spec Golf LLC*, IPR2019-01148; *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01257; *Roku, Inc. v.*

*IOENGINE, LLC*, IPR2022-01258; *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01551;  
*Roku, Inc. v. IOENGINE, LLC*, IPR2022-01552; *Roku, Inc. v. IOENGINE, LLC*,  
IPR2022-01553; and *Roku, Inc. v. IOENGINE, LLC*, IPR2022-01554.

12. 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

/ Noah M. Leibowitz /

Noah M. Leibowitz

Dechert LLP

Three Bryant Park

Avenue of the Americas

New York, New York

Telephone: 212-698-3538

Email: noah.leibowitz@dechert.com