UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

Case No.: IPR2024-00459
U.S. Patent 11,634,781

PETITIONER'S MOTION FOR ADMISSION *PRO HAC VICE* OF DONALD R. WARE

I. Statement of Precise Relief Requested.

Pursuant to 37 C.F.R. § 42.10(c), Petitioner, Geneoscopy, Inc. ("Geneoscopy") requests that the Patent Trial and Appeal Board (the "Board") admit Donald R. Ware *pro hac vice* in this proceeding, IPR2024-00459.

II. Governing Law, Rules, and Precedent.

In accordance with 37 C.F.R. § 42.10(c), 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 the Board may impose. Section 42.10(c) indicates that "where 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 a showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding." Accompanying this motion is the Declaration of Donald R. Ware in support of this Motion for Admission Pro Hac Vice ("Ware Decl.").

III. Statement of Facts Showing Good Cause for the Board to Recognize Counsel *Pro Hac Vice* During the Proceeding.

The facts here establish good cause for the Board to recognize Donald R. Ware *pro hac vice* in this proceeding.

1. Lead counsel, Brendan T. Jones, is a registered practitioner (Reg. No. 65,077).
2. Donald Ware is a partner at the law firm Foley Hoag LLP. Ware Decl. ¶ 1.
3. Mr. Ware is an experienced litigating attorney who has litigated cases relating to patents for the majority of his practice since 1975. *Id.* at ¶ 2.
4. Mr. Ware has never been suspended or disbarred from practice before any court or administrative body. *Id.* at ¶ 5.
5. No application filed by Mr. Ware for admission to practice before any court or administrative body has ever been denied. *Id.* at ¶ 6.
6. No sanctions or contempt citations have been imposed against Mr. Ware by any court or administrative body. *Id.* at ¶ 7.
7. Mr. Ware is a member of good standing of the Massachusetts Bar. Mr. Ware is also admitted to practice before United States Supreme Court, the United States Court of Appeals for the Federal Circuit, the United States District Court for the District of Massachusetts, and the Massachusetts Supreme Judicial Court. *Id.* at ¶ 3.
8. Mr. Ware also demonstrates that he has a detailed working knowledge of the relevant subject matter through his familiarity with the patent-at-issue, the grounds advanced by Petitioner, and other aspects of the record

in this proceeding, through representing Geneoscopy in *Exact Sciences Corporation v. Geneoscopy, Inc.*, C.A. No. 23-1319-MN (D.Del), a case in which Patent Owner Exact has asserted a claim for infringement of the patent-at-issue. *Id.* at ¶ 9.

9. Mr. Ware has acquired substantial understanding of the underlying legal and technological issues in this proceeding. *Id.* at ¶ 9.

10. Mr. Ware 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 37 C.F.R. *Id.* at ¶ 10.

11. Mr. Ware understands that he 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). *Id.* at ¶ 11.

IV. Good Cause Exists for *Pro Hac Vice* Admission of Donald R. Ware.

The facts outlined above, supported by the Declaration of Donald R. Ware, establish there is good cause to admit Mr. Ware *pro hac vice* in this proceeding under 37 C.F.R. § 42.10.

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V. Conclusion

In light of the foregoing, Petitioner respectfully requests that the Board admit Mr. Ware *pro hac vice* in this proceeding.

Dated: October 3, 2024

Respectfully Submitted,

/Brendan T. Jones/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **MOTION FOR ADMISSION PRO HAC VICE OF DONALD R. WARE AND DECLARATION OF DONALD R. WARE** was served on October 3, 2024 on the following attorneys of record:

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