

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAREPTA THERAPEUTICS, INC.,
Petitioner,

v.

THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA,
Patent Owner
and REGENXBIO INC.,
Exclusive Licensee

Case IPR2024-00580
Patent 11,680,274

**PATENT OWNER'S UNOPPOSED MOTION FOR *PRO HAC VICE*
ADMISSION OF DEANNA J. REICHEL UNDER 37 C.F.R. § 42.10(c)**

PATENT OWNER'S UPDATED EXHIBIT LIST

- EX2001 Roman Gardlík et al., *Vectors and Delivery Systems in Gene Therapy*, 11(4): Med. Sci. Monitor RA110 (2005)
- EX2002 Terence R. Flotte, *Gene Therapy: The First Two Decades and the Current State-of-the-Art*, 213(2): J. Cellular Physiology 301 (Nov. 2007)
- EX2003 Guangping Gao et al., *Clades of Adeno-Associated Viruses Are Widely Disseminated in Human Tissues*, 78(12): J. Virology 6381 (June 2004).
- EX2004 Guang-Ping Gao et al., *Novel Adeno-Associated Viruses from Rhesus Monkeys as Vectors for Human Gene Therapy*, 99(18): Proc. Nat'l Acad. Scis. 11854 (Sept. 2002)
- EX2005 C.J. Leonard & Kenneth I. Berns, *Adeno-Associated Virus Type 2: A Latent Life Cycle*, 48 Prog. Nucleic Acid Res. & Molecular Bio. 29 (1994)
- EX2006 Joshua C. Grieger & Richard J. Samulski, *Adeno-Associated Virus as a Gene Therapy Vector: Vector Development, Production and Clinical Applications*, 99 Adv. Biochem. Eng'g/Biotech. 119 (Oct. 2005)

- EX2007 Ekaterina Minskaia et al., *Viral Vectors in Gene Replacement Therapy*, 88(12-13): Biochem. (Moscow) 2157 (2023)
- EX2008 Alejandra E. Arbetman et al., *Novel Caprine Adeno-Associated Virus (AAV) Capsid (AAV-Go.1) Is Closely Related to the Primate AAV-5 and Has Unique Tropism and Neutralization Properties*, 79(24): J. Virology 15238 (Dec. 2005)
- EX2009 Dawn E. Bowles et al., *Marker Rescue of Adeno-Associated Virus (AAV) Capsid Mutants: A Novel Approach for Chimeric AAV Production*, 77(1): J. Virology 423 (Jan. 2003)
- EX2010 Pierce J. Ogden et al., *Comprehensive AAV Capsid Fitness Landscape Reveals a Viral Gene and Enables Machine-Guided Design*, 366 Sci. 1139 (Nov. 2019)
- EX2011 Derek J. Blake et al., *Function and Genetics of Dystrophin and Dystrophin-Related Proteins in Muscle*, 82 Physio. Revs. 291 (2002)
- EX2012 Joshua C. Grieger & Richard J. Samulski, *Packaging Capacity of Adeno-Associated Virus Serotypes: Impact of Larger Genomes on Infectivity and Postentry Steps*, 79(15) J. Virology 9933 (Aug. 2005)
- EX2013 Hengjun Chao et al., *Several Log Increase in Therapeutic Transgene Delivery by Distinct Adeno-Associated Viral Serotype Vectors*, 2(6)

Molecular Therapy 619 (Dec. 2000)

- EX2014 United States Patent No. 7,282,199 to Gao et al.
- EX2015 United States Patent No. 7,198,951 to Gao et al.
- EX2016 Summary of Figures 2 and 4 in EX1008
- EX2017 Philip Cohen, *The Origins of Protein Phosphorylation*, 4 Nature Cell Bio. E127 (May 2002)
- EX2018 Makoto Uchino et al., *Dystrophin and Dystrophin-Related Protein in the Central Nervous System of Normal Controls and Duchenne Muscular Dystrophy*, 87 Acta Neuropathol. 129 (1994).
- EX2019 Mario Mietzsch et al., *Comparative Analysis of the Capsid Structures of AAVrh.10, AAVrh.39, and AAV8*, 94(6) J. Virology 6 (March 2020)
- EX2020 Clustal Omega Sequence Alignment of rh46, rh2, rh4, rh14, rh24, rh12, rh18, bb2, bb1, rh25, rh20, rh9, rh10, and rh11
- EX2021 Declaration of Dr. Casey M. Kraning in support of Motion for *Pro Hac Vice* Admission
- EX2022 Declaration of Deanna J. Reichel in support of Motion for *Pro Hac Vice* Admission

Pursuant to 37 C.F.R. § 42.10(c), Patent Owner, The Trustees of the University of Pennsylvania, (“Patent Owner”), and Exclusive Licensee, REGENXBIO INC., (“Exclusive Licensee”) respectfully request that the Board recognize Deanna J. Reichel as counsel *pro hac vice* in this proceeding. Patent Owner seeks the counsel of Ms. Reichel due to her experience in other patent-related matters and particularly due to her familiarity with the substantive and technical issues involved in this proceeding. This motion is authorized by the Notice of Filing Date Accorded to Petition that was mailed on February 26, 2024.

Petitioner does not oppose this motion.

I. Statement of Facts

Ms. Reichel is a patent litigation attorney with more than 21 years of experience representing clients in patent cases involving pharmaceutical, biological, and chemical products and methods. Ms. Reichel regularly litigates patent cases before the United States Court of Appeals for the Federal Circuit and various federal district courts. Through her practice in such cases, Ms. Reichel has gained substantial experience in jury trials, bench trials, discovery, Markman hearings, and appeals. Ms. Reichel began her legal career as a law clerk for the Honorable Raymond C. Clevenger at the United States Court of Appeals for the Federal Circuit in 2002-03. She has been with Fish & Richardson since 2003. Ms. Reichel’s biography is attached as Appendix A of Exhibit 2022.

Ms. Reichel also has particular experience and familiarity with the substantive and technical issues involved in this *inter partes* review proceeding. For example, Ms. Reichel has extensively reviewed U.S. Patent No. 11,680,274, its prosecution history, relevant prior art, the Petition for IPR (including the invalidity grounds therein, and the cited references), and all exhibits filed in this case.

II. Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by a Declaration of Deanna J. Reichel.

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

Respectfully submitted,

Date: October 29, 2024

/s/ Susan E. Morrison

Susan E. Morrison, Reg. No. 56,332
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
T: 202-783-5070
F: 877-769-7945

Attorneys for REGENXBIO Inc.

Date: October 29, 2024

/s/ Dion M. Bregman

Dion M. Bregman, Reg. No. 45,645
MORGAN, LEWIS & BOCKIUS LLP
1400 Page Mill Rd.,
Palo Alto, CA 94304

Julie S. Goldemberg, Reg. No. 72,222
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street,
Philadelphia, PA 19103-3007

Guylaine Hache, Reg. No. 76,083
MORGAN, LEWIS & BOCKIUS LLP
110 North Wacker Drive,
Chicago, IL 60606

*Attorneys for The Trustees of the
University of Pennsylvania.*

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on October 29, 2024, a complete and entire copy of this Patent Owner's Motion for *Pro Hac Vice* Admission of Deanna J. Reichel and Exhibit 2022 were provided via email, to the Petitioner by serving the email correspondence addresses of record as follows:

Quinn Emanuel Urquhart & Sullivan, LLP

Robert Wilson, Reg. No. 45,227

robertwilson@quinnemanuel.com

Anne Toker, Reg. No. 53,692

annetoker@quinnemanuel.com

James Glass, Reg. No. 46,729

jimglass@quinnemanuel.com

/Hoi Cheung/

Hoi Cheung

Fish & Richardson P.C.

60 South Sixth Street, Suite 3200

Minneapolis, MN 55402

hcheung@fr.com