

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENEOSCOPY, INC.,
Petitioner,

v.

EXACT SCIENCES CORPORATION,
Patent Owner.

Case No.: IPR2024-01330
U.S. Patent 11,970,746

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

I, Donald R. Ware, declare as follows:

1. I am an attorney licensed to practice law in the Commonwealth of Massachusetts. I am a partner at the law firm of Foley Hoag LLP, counsel for Petitioner Geneoscopy, Inc. (“Geneoscopy”).
2. I have been practicing at Foley Hoag since 1975. For the majority of that time, my practice has focused on the field of intellectual property, in particular, patent litigation.
3. I am a member in good standing of the Massachusetts Bar. I am 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.
4. I am a member in good standing in all jurisdictions in which I have been admitted to practice.
5. I have never been suspended or disbarred from practice before any court or administrative body.
6. I have never had an application denied for admission to practice before any court or administrative body.
7. I have never had any sanctions or contempt citations imposed against me by any court or administrative body.

8. Concurrently with this application, I am applying to appear pro hac vice in IPR2024-00459, an instituted proceeding which involves the same parties as IPR2024-01330 and a patent related to the patent-at-issue in this pending proceeding.
9. I am familiar with the subject matter at issue in this proceeding. I have reviewed the patent-at-issue, the grounds advanced by Petitioner in the Petition for Inter Partes Review of the patent-at-issue, and other aspects of the record in this proceeding. I currently represent Geneoscopy in *Exact Sciences Corporation v. Geneoscopy, Inc.*, C.A. No. 0583-MN (D.Del), a case in which Exact has asserted a claim for infringement of the patent-at-issue. I have acquired substantial understanding of the underlying legal and technological issues in this proceeding.
10. 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.
11. 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).

I hereby declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both,
under Section 1001 of Title 18 of the United States Code.

Date: October 3, 2024

/Donald R. Ware/
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