

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INARI AGRICULTURE, INC.,

Petitioner,

v.

PIONEER HI-BRED INTERNATIONAL, INC.,
Patent Owner

Case PGR2024-00025
U.S. Patent 11,707,033

**DECLARATION OF DEXTER WHITLEY IN SUPPORT OF PATENT
OWNER'S MOTION FOR *PRO HAC VICE* ADMISSION**

I, Dexter Whitley, hereby declare to the following:

1. I am a member in good standing of the State Bar of Georgia.
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has been imposed against me by any court or administrative body.
5. 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 Title 37 of the Code of Federal Regulations.
6. 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).
7. In the past three years, I have not applied for admission *pro hac vice* in any proceeding before the U.S. Patent and Trademark Office.
8. I am a litigation attorney with 6 years of experience representing clients in patent cases in the x-ray imaging, biosimilar, biotechnology, and life sciences industries. I regularly litigate patent cases in various forums including before the United States District Court for the District of Delaware. Through my

experience in patent litigation matters, I have represented clients in many phases of litigation including in drafting and responding to discovery, working with technical experts, taking depositions, drafting motions and summary judgment briefs, conducting pre-suit diligence, and working on the pre-institution stage of PGRs. I have also been substantively involved in developing technical and legal arguments. My biography is attached hereto as Exhibit A.

9. I am intimately familiar with the issues and subject matter presented in this above-captioned post-grant review proceeding. For example, I have extensively reviewed the above identified patent, its prosecution history, the Petition for PGR (including the invalidity grounds therein, and the cited references) and all exhibits filed in this case.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were 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.

Respectfully submitted,

Date: May 24, 2024

/Dexter Whitley/
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Minneapolis, MN 55402
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EXHIBIT A



Dexter Whitley, Ph.D.

Associate

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Overview

Dexter Whitley, Ph.D., a member of Fish & Richardson's litigation team, works on complex patent cases involving a range of technical areas, with a particular focus on life sciences, pharmaceuticals, biotechnology, and Hatch-Waxman litigation.

Dexter is experienced in multiple stages of litigation, from pre-case assessment and due diligence investigations through witness preparation and examination. He is a critical team member in District Court litigation and in post-grant matters before the Patent Trial and Appeal Board. A former professor of molecular biology, immunology, and physiology at Tougaloo College, Dexter readily understands the complex technologies underlying his clients' inventions, communicates well with scientists and inventors, and explains scientific concepts in clear and simple terms for corporate leaders, lay judges, and juries.

When presented with a case, Dexter considers the technology at play, the patents involved, and the client's goals and risk profile. He then helps determine the best approach to tackle the various aspects of the case. Poised and persuasive, Dexter is regarded as a natural litigator. Among his achievements, he is most proud of his successful pro bono representation of an immigration detainee on appeal before the Eleventh Circuit in a sexual assault case against prison guards and the prison facility.

Before attending law school, Dexter earned his Ph.D. in microbiology from the University of Mississippi Medical Center. As a graduate student, he conducted research focused on identifying viral genes required for virion assembly. As a post-doctoral scholar at Washington University in St. Louis, Dexter conducted gene therapy studies with the aim of treating endometrial cancer and xerostomia using viral vectors. He likes that practicing law enables him to take innovations to the next level by helping clients preserve the value of their intellectual property and protect it from infringers.

In his free time, Dexter enjoys reading sci-fi novels and going on hikes with his two young children.

Recognitions & awards

Pathfinder

Leadership Council on Legal Diversity 2023

Atlas Award Winner

Leadership Council on Legal Diversity 2023

Professional associations

Pro bono

- Fish & Richardson Diversity Pipeline Program
-

Insights

Blog | April 15, 2024
Hatch-Waxman 101

Webinar | February 22, 2024
Hatch-Waxman 101

News

December 21, 2023
Fish & Richardson Attorney Dexter Whitley Named an Atlas Award Winner by Leadership Council on Legal Diversity

February 14, 2023
Fish & Richardson Principal Karan Jhurani Named a 2023 Leadership Council on Legal Diversity Fellow and Associates Dexter Whitley and Alex Pechette...

August 15, 2022
Fish & Richardson Secures Win for Exela Pharma Sciences in ELCYS® Patent Infringement Litigation

Events

October 27, 2021
ACC Georgia "Deep Dive" Luncheon

Additional insights

Speaking engagements

- ["Patent Litigation: What Non-IP In-House Counsel Need to Know,"](#) ACC Georgia "Deep Dive" Luncheon (October 27, 2021)
-

Services

Litigation
Patent Litigation
Post-Grant

Industries

Life Sciences
Biotech & Diagnostics
Pharmaceuticals
Academic Research & Medical Centers

Admissions

Georgia (2017)

Education

J.D. Order of the Coif, University of Miami School of Law (2017)

Ph.D., Microbiology, University of Mississippi Medical Center (2011) Charles C. Randall Graduate Research Award for Outstanding Research

M.S., Microbiology, University of Mississippi Medical Center (2010)

B.S., Biology, Tougaloo College (2004)

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