

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LULULEMON ATHLETICA CANADA INC. and LULULEMON USA INC.
Petitioners,

v.

NIKE, INC.
Patent Owner.

Case IPR2023-00438
U.S. Patent No. 8,620,413

**DECLARATION OF JONATHAN SWISHER IN SUPPORT OF
PATENT OWNER'S MOTION FOR ADMISSION
*PRO HAC VICE***

Nike, Inc.
Exhibit 2007
IPR2023-00438

I, Jonathan Swisher, declare as follows:

1. I was admitted to the New York Bar in January 2011, and the California Bar in December 2013, and I have been practicing law for 12 years. My practice has focused on intellectual property and patent litigation disputes in a range of jurisdictions, including particular focuses on electronic devices, and biotechnology and life sciences products. I received a B.S. degree in biomedical engineering in 2004.

2. I have acted as counsel in dozens of patent and IP litigation matters, and have contributed to all aspects of litigation, including trials.

3. I am a member in good standing of the Bars of California (Bar number 291651) and New York (Bar number 4904462). I am admitted to practice before the United States District Court for the Northern District of California, the United States District Court for the Southern District of New York, and the United States Court of Appeals for the Federal Circuit.

4. I have never been suspended or disbarred from practice before any court or administrative body.

5. I have never had a court or administrative body deny my application for admission to practice.

6. I have never had any sanctions or contempt citations imposed by any court or administrative body.

7. I have read and will comply with the United States Patent and Trademark Office's Trial Practice Guide, and the Board's Rules for Practice for Trials, as set forth in 37 C.F.R., Part 42.

8. I agree to be subject to the United States Patent and Trademark Office 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).

9. In addition to this matter, I have represented Nike, Inc. ("Nike") in other patent matters, including *In the Matter of Certain Knitted Footwear* (Inv. No. 337-TA-1289) before the United States International Trade Commission, which was a patent infringement matter that also involved athletic products.

10. I am familiar with the subject matter of U.S. Patent No. 8,620,413. As a result of my work with Nike in the matter listed in the previous paragraph, I am also familiar with athletic and fitness-related technology and products. I have also represented other companies in patent litigation matters that involved personal electronics and/or biotechnology-related technology, including Apple, Google, Samsung, LG, AT&T, DuPont, Foundation Medicine, Sanofi, and Waters.

11. 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 are made with the knowledge that willful false statements and the like are punishable by fine, imprisonment, or both under Section 1001 of Title 18 of the United States Code.

Dated: September 5, 2023

Respectfully submitted,

/s/ Jonathan Swisher

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