UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFESCAN, INC.
Petitioner,

v.

FACET TECHNOLOGIES, LLC
Patent Owner.

IPR2023-00712
Patent 8,840,635

DECLARATION OF GERALD W. GRIFFIN IN SUPPORT OF MOTION TO APPEAR PRO HAC VICE ON BEHALF OF PETITIONER LIFESCAN, INC.

I, Gerald W. Griffin, do hereby declare:

1. I am a partner at the law firm Carter Ledyard & Milburn LLP, which represents the Petitioner (LifeScan, Inc.) in this inter partes review proceeding. Lead counsel on behalf of Petitioner is Michael J. Lyons, who is registered to practice before the United States Patent and Trademark Office and holds Registration No. 37,386. With respect to this proceeding, I will work closely with Mr. Michael J. Lyons, along with backup counsel Alexander B. Stein (Reg. No. 71,397).

2. I hold a Bachelor of Arts degree from Skidmore College and a Juris Doctor degree from Brooklyn Law School.

3. I am an experienced litigating attorney, with over 20 years of experience in complex litigation, including patent litigation matters. I have represented clients in matters in various United States district courts.

4. My experience includes patent litigation matters in the fields of chemistry, manufacturing, and pharmaceuticals. As such, I am familiar with both the legal and technical subject matter of this IPR proceeding (U.S. Patent No. 8,840,635). Petitioner desires, and has a need, to be represented in certain aspects of these proceedings by a litigation attorney with my technical and legal experience.

5. I am a member in good standing of the Bar of New York, as well as the U.S. District Court for the Eastern District of New York and the U.S. District Court for the Southern District of New York.

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

7. I have never had an application for admission to practice before any court or administrative body denied.

8. I have never been sanctioned or cited for contempt by any court or administrative body.

9. 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.

10. 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).

11. I have not applied to appear *pro hac vice* before the Office in the last three years.

12. I 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.

DATED: April 10, 2023 /Gerald W. Griffin/

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