

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LIFESCAN, INC.

Petitioner,

v.

FACET TECHNOLOGIES, LLC

Patent Owner.

Case No. IPR2023-00712

U.S. Patent No. 8,840,635

**DECLARATION OF AN LE IN SUPPORT OF
UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION**

I, An Le, do hereby declare:

1. I am more than twenty-one years of age, am competent to present this declaration, and have personal knowledge of the facts set forth herein.
2. I am an associate at the law firm Morgan, Lewis & Bockius 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 Michael J. Lyons, along with backup counsel, Alexander B. Stein (Reg. No. 71,397).
3. I have been practicing law, specifically patent litigation, for the past 1.5 years.
4. My experience in patent litigation matters includes, but is not limited to, assisting with depositions of expert witnesses regarding invalidity and infringement; assisting experts in drafting expert reports regarding invalidity and infringement; drafting briefs associated with motions for summary judgment regarding invalidity issues; and drafting invalidity and infringement contentions.
5. I am a member in good standing of the State Bar of California.
6. I have never been suspended or disbarred from practice before any court or administrative body.

7. No court or administrative body has ever denied my application for admission to practice before it.

8. I have never had any sanctions or contempt citations imposed against me 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 Title 37 of the C.F.R.

10. I agree to be subject to the USPTO Rules of Professional Conduct as 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 appeared before the Office *pro hac vice* in the last three years.

12. I have an established familiarity with the subject matter in this proceeding.

13. I have substantively reviewed all materials filed in this *Inter Partes* Review. For example, I have reviewed U.S. Patent No. 8,840,635 (the "'635 Patent") in detail. I have spent significant time reviewing and analyzing prior art related to the '635 Patent, including the prior art upon which this *Inter Partes* Review was granted. I also spent significant time assisting with the preparation of Petitioner's Petition for *Inter Partes* Review (Paper 1) and Petitioner's Reply to

Patent Owner's Response to Petition (Paper 32). In addition, I spent significant time meeting with expert witnesses and reviewing materials alongside expert witnesses to support both Petitioner's Petition for *Inter Partes* Review (Paper 1) and Petitioner's Reply to Patent Owner's Response to Petition (Paper 32). I have participated in substantive discussions with lead counsel, Michael J. Lyons, and backup counsel, Alexander B. Stein, regarding the issues related to this proceeding.

14. I am thus very familiar with the subject matter in this proceeding.

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: May 16, 2024

/ An Le /
MORGAN LEWIS & BOCKIUS LLP
An Le

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), I certify that on May 16, 2024, I caused to be served a true and correct copy of DECLARATION OF AN LE IN SUPPORT OF UNOPPOSED MOTION FOR *PRO HAC VICE* ADMISSION by email to Patent Owner's counsel:

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Dated: May 16, 2024

Respectfully Submitted,

/ Michael J. Lyons /

Michael J. Lyons, Reg. No. 37,386