

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUSION ORTHOPEDICS, LLC,
Petitioner,

v.

EXTREMITY MEDICAL, LLC,
Patent Owner.

Case IPR2023-00894
U.S. Patent No. 11,298,166

**DECLARATION OF MICHAEL J. ZINNA IN SUPPORT
OF PATENT OWNER'S MOTION FOR PRO HAC VICE
ADMISSION PURSUANT TO 37 C.F.R. § 42.10(C)**

Extremity Medical, LLC EXHIBIT 2001 Fusion Orthopedics v. Extremity Medical Case IPR2023-00894

I, Michael J. Zinna, declare as follows:

1. I am a Partner with the law firm of Kelley Drye & Warren LLP. I advise Patent Owner Extremity Medical, LLC (“Extremity Medical”) in connection with the above-captioned *inter partes* review (“IPR”) proceeding involving U.S. Patent No. 11,298,166 (“the ’166 Patent”). I am the lead counsel for Extremity Medical in the related district court litigation involving the patent at issue in this IPR proceeding (*Extremity Medical, LLC v. Fusion Orthopedics, LLC*, Case No. 2:22-cv-00723-PHX-GMS (D. Ariz.)).

2. I have been a member in good standing of the Bar of the State of New Jersey since 2000. My New Jersey State Bar number is 033861999. I am also admitted to practice before numerous state and federal courts, including:

- a. US Supreme Court (admitted January 2008);
- b. US Court of Appeals, Federal Circuit (admitted May 2006);
- c. US District Court, Texas Eastern (admitted November 2013);
- d. US District Court, New York Eastern (admitted April 2005);
- e. US District Court, New York Southern (admitted March 2005);
- f. State of New York (admitted August 2001); and
- g. US District Court, New Jersey (admitted May 2000).

3. I have 20 years of experience practicing patent and technology related litigation. I have litigated numerous patent cases across the country, including in

California, Delaware, New Jersey, New York and Texas, including through both trial and appeal. In such cases, I have argued complex claim construction and invalidity issues.

4. I am familiar with the subject matter at issue in this proceeding. I have supervised and been actively involved in the present IPR proceeding regarding the '166 Patent. I have reviewed the '166 Patent, the Petition, and the prior art being asserted in this IPR proceeding.

5. Moreover, I have advised Patent Owner on strategy regarding Petitioner's arguments in this IPR proceeding.

6. Within the last three years, I applied for and was granted *pro hac vice* admission to appear before the Office in Cases IPR2020-00692, IPR2020-00694, and IPR2022-00802.

7. I have not been suspended or disbarred from practice before any court or administrative body. I have never had an application for admission to practice before any court or administrative body denied. No sanction or contempt citation has been imposed against me by any court or administrative body.

8. 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.

9. I agree to and 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).

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. I further declare 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 31, 2023

/s/ Michael J. Zinna
Michael J. Zinna
Kelley Drye & Warren LLP