

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRIAL AND APPEAL BOARD

FUSION ORTHOPEDICS, LLC,
Petitioner,

v.

EXTREMITY MEDICAL, LLC
Patent Owner.

Case IPR2023-00894
Patent 11,298,166

DECLARATION OF SCOTT KAMHOLZ

I, Scott Kamholz, declare as follows:

1. I am backup counsel for Petitioner Fusion Orthopedics, LLC.
2. I received two 3D mesh models from Eli Jacobson, which I am informed he prepared in the Blender software package. The models correspond to (1) Figure 18 and (2) Figures 9, 10, 11 of U.S. Patent No. 11,298,166 and are respectively named “Fig-18-final.blend” and “Fig-9-final.blend” and submitted in this proceeding as Exhibits 1045 and 1046. No facility exists to file these computer files with the Board, so with the Board’s permission given during a conference call on May 1, 2024, I have caused paper placeholders to be filed in lieu of the computer files. The computer files have been served on Patent Owner.
3. For each model, I opened it in Blender and used a screen capture tool to record video as I scanned, panned, and rotated the view, and turned various features of the model on and off. I then used the screen capture tool to record still images from several different rotational aspects using the view controls in Blender.
4. The video I recorded from the Figure 18 model “Fig-18-final.blend” is submitted as Exhibit 1047.
5. The video I recorded from the Figure 9 model “Fig-9-final.blend” is submitted as Exhibit 1048.
6. The still images I recorded of the Figure 18 model “Fig-18-final.blend”

- are submitted in Exhibit 1049.
7. The still images I recorded of the Figure 9 model “Fig-9-final.blend” are submitted in Exhibit 1050.
8. I declare that all statements made herein are 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 statement and the like so made are punishable by fine or imprisonment, or both under Section 1001 of the Title 18 of the United States Code.

Dated: May 3, 2024

By:

/Scott Kamholz/
Scott Kamholz