

Filed February 27, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIVITRO LABS INC.,
Petitioner,

v.

BIOMEDICAL DEVICE CONSULTANTS & LABORATORIES OF
COLORADO, LLC,
Patent Owner.

Case IPR2024-00320
Patent 9,237,935

**DECLARATION OF SHANNON L. BJORKLUND IN SUPPORT OF PATENT
OWNER'S UNOPPOSED MOTION FOR ADMISSION *PRO HAC VICE***

I, Shannon L. Bjorklund, declare:

1. I am a Partner at the law firm Dorsey & Whitney LLP and counsel of record for Patent Owner Biomedical Device Consultants & Laboratories of Colorado, LLC (“BDC”) in the related district court litigation, *Biomedical Device Consultants & Laboratories of Colorado, LLC v. ViVitro Labs, Inc.*, Civil No. 2:23-cv-04291-HDV (C.D. Cal.), currently pending on appeal at the Court of Appeals for the Federal Circuit, No. 2023- 2393.

2. I submit this Declaration in connection with my motion to appear *pro hac vice* in this matter.

3. I have been a litigation attorney for more than 13 years and have been litigating patent cases for over 11 years.

4. I am licensed to practice law in the state of Minnesota and am a member in good standing of the bar of that jurisdiction.

5. I have never been censured, suspended, disbarred, or denied admission or readmission by any court or administrative body. There are no disciplinary proceedings presently pending against me before the bar of any court or administrative body.

6. I am admitted to practice in the United States Court of Appeals for the Federal Circuit; the United States Court of Appeals for the Eighth Circuit; the United States District Court for the District of Minnesota; and the United States

District Court for the District of Colorado.

7. I have familiarity with the subject matter at issue in this proceeding and in the related litigation in which U.S. Patent No. 9,237,935 was asserted by the Patent Owner. Since that time, I have closely studied the asserted patent and prior art, and have participated in preliminary injunction and appellate briefing regarding the same.

8. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 41, the relevant rules of conduct for Subpart B, and 42 of the C.F.R.; and agree to be subject to the USPTO Code of Professional Responsibility set forth in 37 C.F.R. §§ 11.101 et seq., and to disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

9. I have applied and been allowed to appear *pro hac vice* in the following jurisdictions in the past three years: the Patent Trial and Appeal Board, the Southern District of New York, the Central District of California, the Southern District of Ohio and the Eastern District of Virginia.

10. Within the last three years, I have appeared in the following proceedings before the Patent Trial and Appeal Board via *pro hac vice* admission:

a) *Chanel, Inc. v. Molo Design, Ltd.*, IPR2022-0543, U.S. Patent No. 7,866,366

b) *Chanel, Inc. v. Molo Design, Ltd.*, IPR2022-0544, U.S. Patent No.

8,561,666

c) *Chanel, Inc. v. Molo Design, Ltd.*, IPR2022-0545, U.S. Patent No.

9,689,161

d) *Chanel, Inc. v. Molo Design, Ltd.*, IPR2022-0546, U.S. Patent No.

9,797,134

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 so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent at issue.

Dated: February 27, 2024.

By /s/ Shannon L. Bjorklund
Shannon L. Bjorklund

CERTIFICATE OF SERVICE

The undersigned certifies pursuant to 37 C.F.R. § 42.6(e) that on February 27, 2024, a true and correct copy of Motion for Admission *Pro Hac Vice* of Shannon L. Bjorklund for Patent Owner Biomedical Device Consultants & Laboratories, LLC was served via Email on Counsel for Patent Owner:

Warren J. Thomas
wthomas@mcciplaw.com
John W. Harbin
jharbin@mcciplaw.com
Lee Hamilton
lhamilton@mcciplaw.com
Meunier Carlin & Curfman LLC
999 Peachtree Street NE, Suite 1300
Atlanta, GA 30309

Date: February 27, 2024

/s/ Jordan L. Stott
Jordan L. Stott