Exhibit No. 1037

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ENDYMED MEDICAL LTD. AND ENDYMED MEDICAL, INC.,
Petitioners,

v.

SERENDIA, LLC,
Patent Owner.

Case No. IPR2024-00842
U.S. Patent No. 9,480,836

SUBSTITUTE DECLARATION OF DR. JEAN WOLOSZKO IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,480,836

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I, Jean Woloszko, Ph.D., declare as follows:

I. INTRODUCTION

1. I have been retained in this proceeding by EndyMed Medical Ltd. and EndyMed Medical, Inc. (collectively, "Petitioners") as a technical expert in connection with their petition for *inter partes* review ("IPR") of U.S. Patent No. 9,480,836 ("the '836 patent," Ex. 1001). I have also been retained by Jeisys Medical, Inc. ("Jeisys") in IPR2024-00386, pertaining to the same patent and applying the same grounds, as a substitute for Dr. Dany Bérubé. I understand that the '836 patent is assigned to Serendia, LLC ("Serendia" or "Patent Owner").

2. I have been asked, by counsel for Petitioners, to provide opinions based on my experience with and expertise in skin treatment technologies for the aesthetics industry. In particular, I have been asked to offer opinions regarding the patentability of claims 1–29 of the '836 patent (the "Challenged Claims") in view of certain prior art references and the knowledge of a person of ordinary skill in the art ("POSITA").

3. I am being compensated for my time in this matter at an hourly rate of $600 per hour. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this matter. My compensation is not contingent on the outcome of this matter or the specifics of my testimony. I have no personal or financial stake or interest in the outcome of the present proceeding.

4. I am an independent consultant. All my opinions stated in this report are based on my own personal knowledge and professional judgment.

II. QUALIFICATIONS AND PROFESSIONAL BACKGROUND

5. My qualifications and professional experience are described in my curriculum vitae, a copy of which is provided herewith as Appendix A. The following is a brief summary of my relevant qualifications and professional experience.

6. I currently work as an independent consultant for several medical device companies, most of them are involved in some type of RF electrosurgery products.

7. I received a Physics and Mathematics Certificate for Medical Research in 1977 and a Medical Degree from the Université Louis Pasteur in 1981. I received a Biomechanics and Kinesiology Certificate from the University of Montpellier in 1988. I specialized in Rehabilitation Medicine and completed a 3-year residency at the University of Montpellier in 1988. I completed my Medical Thesis at the University of Montpellier in 1988. I received a Ph.D. in Bioengineering from the University of Illinois at Chicago in 1992.

8. From 1981 until 1988, I worked at the INSERM (the French National Scientific Institute for Medical Research and Studies) as a Research Associate.

9. From 1983 until 1988 I worked part time as an Associate Physician at Center PROPARA, a Rehabilitation Center for Spinal Cord Injury patients.

10. I was the worldwide research manager for the Interstim Venture group of Medtronic, leading the research and development efforts in the field of urology, gastroenterology, and colorectal surgery from 1992 to 1998. In 1997, I became the Senior Manager of Medical Affairs at Medtronic Interventional Cardiology, driving the development of new technology in the interventional cardiology group.

11. I held multiple roles at ArthroCare Corporation from 1998 to 2014, including: Medical Director from 1998 to 2002; Vice President of Research and Development from 1999 to 2003; Vice President – Chief Technology Officer from 2003 to 2010; and Senior Vice President of Research and Development and Chief Technology Officer from 2010 to 2014. In my role in these positions, I was responsible for the growth of the research, product development, and innovation for ArthroCare which grew from a $12.5 million company to around $400 million. I led the development of the internationally patented RF based technology Coblation®. In my role of providing technical leadership, training, and education both internally as well as externally, I was able to develop and maintain over 65% market share for this plasma mediated radio-frequency surgical system for over 16 years which created a $250 million revenue stream. Additionally, throughout these positions, I drove innovation strategy, product development, process development,

sustaining engineering, and manufacturing transfer throughout various areas of the organization including sports medicine, ENT, spine, cosmetic and plastic surgery, urology, gynecology, OEM partnerships, and wound management. This included driving the product development for the Visage division of ArthroCare Corp., that was manufacturing and distributing radiofrequency systems for cosmetic surgery, including systems to improve skin condition and reduce wrinkles.

12. From 2014 to 2017, I was the Vice President of Research and Development Sports Medicine and ENT at Smith & Nephew, following the merger with ArthroCare in June 2014. In this position, I led innovation, research, technology, and product development for the Sports Medicine and ENT Franchises (over $1B business). I oversaw more than 150 people and a $35M+ budget.

13. From 2018 to 2020, I was the President and Chief Executive Officer of PeriphEX Corp. My primary role was launching new products and leading fund-raising activity for an innovative consumer product to address symptoms of Peripheral Neuropathy. The product was developed and launched in 4 months. I participated in setting up production, operations, clinical trials, marketing strategy and drove sales to both health care providers and direct consumers via eCommerce.

14. I have been consulting since 2017, providing technical and strategic support for several medical device companies engaged in various radiofrequency electro-surgical technologies. As such I am the “Technical Lead” for Morgan

Steer Orthopaedics Ltd. that designs, manufacture and distribute RF bipolar systems for minimally invasive treatment of various spine conditions. I am also mentoring the technical team of Neurent Medical, based in Ireland, for the design and development of their next generation of multiple bipolar electrode system for intra nasal applications.

15. In the past five years, I have testified, at trial and by deposition, in the following matter:

- U.S. International Trade Commission: In the Matter of Certain Radio Frequency Micro-Needle Dermatological Treatment Devices and Components Thereof, Inv. No. 337-TA-1356.

16. I served as a member of the MT 17 International Electrotechnical Commission ("IEC") from 2008 until 2018. This organization prepares and publishes international standards for all electrical, electronic, and related technologies – collectively known as "electrotechnology." IEC standards cover a vast range of technologies. The IEC also manages four global conformity assessment systems that certify whether equipment, systems, or components conform to its international standards. The MT 17 committee is composed of about a dozen world experts in the field of electro-surgery and defines the 60601-2-2 standard for High Frequency surgical equipment and high frequency surgical accessories. This standard is recognized by almost all countries in the world and

defines the safety and other design requirements to which any electrosurgical equipment or accessory needs to comply to be registered and allowed for use in these countries.

17. I am a recognized expert in the medical device industry and most particularly in the field of high frequency surgical systems including those used to remodel the dermal layer.

18. I am one of and/or the first listed inventor on 114 U.S. Patents and over 55 European Patents for medical device technology; most of these patents are related to electrosurgical systems and methods. One of these patents, U.S. Patent No. 6,766,202, which has an earliest filing date of August 30, 1999, relates to systems and methods for intradermal collagen stimulation including using needle electrodes to apply radiofrequency to the dermis. As such, I am familiar with using radiofrequency and needle electrodes on tissue.

III. INFORMATION CONSIDERED

19. In forming my opinions, I read and considered the ’836 Patent and its prosecution history, the exhibits listed in the Exhibit Lists filed with the Petition for *Inter Partes* Review of the ’836 Patent, as well as the other materials referenced in paragraphs 1–271 of Dr. Bérubé’s Declaration (Ex. 1003).

IV. LEVEL OF ORDINARY SKILL IN THE ART

20. In my opinion and based upon my background and experience, the level of skill of a POSA in the timeframe prior to June 14, 2011, would have been met by a person who had (1) 7-10 years of experience with developing and/or using treatment systems for delivery of electromagnetic radiation to skin or other tissues, and (2) a related graduate engineering degree or M.D. The POSA may have worked as part of a multidisciplinary team and drawn upon not only his or her own skills, but also taken advantage of certain specialized skills of others on the team when solving a technical problem. In my opinion, additional education could substitute for professional experience and vice versa.

21. By 2010, I met or exceeded the level of a POSA. My opinions do not turn on this precise definition, and the claims would be unpatentable from the perspective of any reasonable POSA.

V. SUMMARY OF OPINIONS

22. I have reviewed paragraphs 1–271 of Dr. Bérubé's Declaration (Ex. 1003) and the Exhibits cited therein. I agree with and adopt paragraphs 17–268. I note that paragraph 26 refers to Dr. Bérubé's patent application, which I have reviewed for this declaration. I agree with and adopt Dr. Bérubé's opinions in this paragraph.

23. This report summarizes the opinions I have formed to date. I reserve the right to modify my opinions, if necessary, based on further review and analysis of information that I receive subsequent to the filing of this report, including in response to positions taken by Serendia or its experts that I have not yet seen, including any secondary considerations evidence that Serendia or its expert may consider and present.

VI. ACKNOWLEDGMENTS

24. In signing this declaration, I understand that the declaration will be filed as evidence in a contested case before the Patent Trial and Appeal Board of the United States Patent and Trademark Office. I acknowledge that I may be subject to cross-examination in the case and that cross-examination will take place within the United States. If cross-examination is required of me, I will appear for cross-examination within the United States during the time allotted for cross-examination.

25. I declare that all statements made herein of my 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 knowledge that willful false statements

and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001.

I, Jean Woloszko, M.D., Ph.D., declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Jean Woloszko, M.D., Ph.D.

Executed on April 29, 2024

APPENDIX A

CURRICULUM VITAE

JEAN WOLOSZKO MD, PhD
Austin Texas Area
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PROFILE

Internationally recognized Leader with proven track record of deploying winning strategies to gain and maintain market leadership through effective innovations. Excels at building and driving efficient teams, and setting up business processes and governance for efficient New Product Delivery and Innovation Strategies. Expert in Product Development, Process/Manufacturing Engineering, fundamental and clinical Research with an excellent Business acumen. World leader in RF driven Plasma surgery technology. Experienced in small, mid-size and larger companies. Over 150 patents and 45 publications. Six years of medical practice in Rehabilitation Medicine

EDUCATION

- Ph.D. in Bioengineering at University of Illinois at Chicago
- Medical Thesis (Montpellier, France)
- Rehabilitation Medicine Specialization + 3-year residency - (Montpellier, France)
- Biomechanics and Kinesiology Certificate (Montpellier, France)
- Medical Degree (Strasbourg, France)
- Physics and Mathematics Certificate for medical research (Strasbourg, France)

PROFESSIONAL ACTIVITY

Woloszko Innovations consulting **2018- now**

✓ Work with a few companies as an advisor, BOD member and Technical Lead

PeriphEX Corp., Austin, TX **2018 - 2020**

- **President and Chief Executive Officer**

Lead Company and fund-raising activity for an innovative consumer product to address symptoms of Peripheral Neuropathy. Developed and launched a product in 4 months. Set up production, operations, clinical trials, marketing strategy and drove sales to both Health Care Providers and Direct to Consumers via eCommerce.

SMITH & NEPHEW (merged with ArthroCare), Austin, **TX** **2015 - 2017**

- **Vice-President R&D Sports Medicine & ENT ($1.5B business)**

✓ Lead Innovation, Research and Technology as well as Product Development for Smith and Nephew Sports Medicine and ENT Franchise (over $1B business). Oversees over 150 people and $35M+ budget. Integrated Research and Technology as well a product development from several sites into a more cohesive team to address global procedures.

ARTHROCARE CORPORATION, Sunnyvale, CA/Austin, TX **1998 - 2014**

- **Senior Vice-President R&D, Chief Technology Officer,** **2010 - 2014**
- **Vice-President, Chief Technology Officer** **2003 - 2010**
- **Vice-President, Research and Development** **2002 - 2003**
- **Vice-President, Research and Development and Medical Director** **1999 - 2002**
- **Medical Director** **1998 - 1999**

✓ Grew the R&D and Innovation for ArthroCare from a $12.5 M company to ~$400M.

- ✓ Established cross-functional culture, integrating customers, marketing, quality as well as design for manufacturing for the ideation throughout product lifecycle.
- ✓ Pioneered Plasma Medicated surgical systems (Coblation technology and maintained market leadership (~65% market share) over more than 16 years
- ✓ Drove Innovation strategy, Product Development, Process Development, Sustaining Engineering, and Manufacturing Transfer throughout the organization (Sports Medicine, ENT, Spine, Cosmetic surgery, OEM partnerships, and Wound Management).
- ✓ Drove integration of Engineering groups and product development from several acquisitions.
- ✓ Drove contract manufacturing and design of capital equipment.
- ✓ Established product development governance and business processes for efficient product pipeline and product portfolio strategies.
- ✓ Provided Technical leadership, training, and education internally and externally on Plasma mediated surgery ($250M business).
- ✓ Led development of a new revolutionary Coblation system (Werewolf) to maintain undisputed market leadership (after 16years of pioneering and leadership) and refresh IP landscape to greatly reduce competitive threat.

MEDTRONIC INC, Maastricht (NL) San Diego, CA **1992 - 1998**

- ✓ Drove New Technology Development in Interventional Cardiology
- ✓ Led R&D group for Medtronic Interstim Venture (Urology and Colorectal surgery)

ILLINOIS INSTITUTE OF TECHNOLOGY and UIC, Chicago, IL **1988 - 1992**

INSERM, PROPARA, Montpellier, France **1981 - 1988**

- ✓ Research and Medical Practice

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FULL LENGTH PAPERS:

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111.Jean Woloszko; Electrosurgical system with suction control apparatus, system and method. [11,382,679 B2] July 12, 2022.

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HONORS AND RESEARCH GROUPS:

- Member of MT17 (IEC 60601-2-2) committee
- MD&DI 100 Notable People in the medical device industry, 2008.
- Outstanding Alumni Award, University of Illinois at Chicago, 2007
- Honored Member – American Registry of outstanding professional 2002-2003
- Lauréat of "Bourse Lavoisier", research grant for a one year international exchange research program in Pritzker Institute of Medical Engineering (Chicago), from the French Agency of Foreign Affairs, 1988.
- "HEBRARD" Medical thesis award, 1986.
- "Lauréat" of Medical Faculty of Montpellier" 1985.

RESEARCH AND PROFESSIONAL ACTIVITIES:

Smith and Nephew: June 2014 – October 2017

Vice-President R&D Sports Medicine and ENT

- Lead Innovation, Research and Technology as well as Product Development for Smith and Nephew Sports Medicine and ENT Franchise.
- Lead over 150 people, over $35M budget for Tower technology, Joint repair (implant + surgical tools), tools, visualization systems, Tower, resection, Coblation and Fluid Management

ArthroCare Corp: November 1998 – May 2014

July 10 – May. 2015

Senior Vice-President Engineering, Chief Technology Officer
ArthroCare Corporation, Austin, TX

- Maintained market leadership through innovation and better technology over 18 years amid a very fierce competition that could never catch up.
- Drive Innovation strategy throughout the organization (Sports Medicine, ENT, Spine and Wound Management).
- Drive product development governance and business processes for efficient product pipeline and product portfolio strategies
- Responsible for all product development activity including Research, Development, Process development, sustaining Engineering and Manufacturing Transfer for all Business Units, including Plasma devices and instrument, implants and OEM.
- Provide Technical leadership, training and education internally and externally on Plasma mediated surgery ($250M business)
- Responsible for exploring and developing new technologies, including Business Development activity.
- Responsible for basic research related to all product lines.
- Provide technical support to manufacturing facilities, marketing, sales force, …

Jan.03 – July 10

Vice-President Engineering, Chief Technology Officer
ArthroCare Corporation, Sunnyvale, CA (Austin, TX since Jan. 6)

- Responsible for all product development activity including Research, development, Process development and Manufacturing Engineering for all (4) Business Units, including RF devices, RF instrument, implants and OEM. Release 40-70 new products per year.
- Define and Manage Research and Product development strategy across multiple facilities worldwide and multiple technological platforms. Chair Patent Review Board.
- Responsible for exploring and developing new technologies, including Business Development activity.
- Responsible for basic research related to all product lines.
- Provide technical support to manufacturing facilities, sales force, …
- 7 direct reports (6 Directors) and 110 indirect. Over $ 23M annual budget.

Dec. 98 – January 2003

Medical Director and Vice-President Research and Development,
ArthroCare Corporation, Sunnyvale, CA

- Product Development for full product lines (Disposable RF devices, RF generators and accessories) to support the arthroscopic, spine surgery, cosmetic surgery, cardiology, ENT surgery, general surgery, gynecology, urology and other new businesses.
- In charge of manufacturing Pilot Line
- Manage several OEM products development.
- Applied research on new indications or utilization for Coblation technology.

- Basic research on plasma physics and novel utilization of RF in medicine.
- Pre-clinical and clinical research for all businesses and new opportunities.
- Corporate Officer.
- Manage a group of over 40 people, including 3 directors.

ArthroCare Corp: March 1992 – Nov. 1998

Jan 1997- November 1998

Manager Research and Medical Affairs (acting Medical Director)
Medtronic Interventional Vascular – San Diego - CA
Responsible on a worldwide basis for:

- Defining, implementing and managing clinical and pre-clinical research strategy and studies for new balloon catheters and intra-coronary stents.
- Defining, implementing and managing clinical and pre-clinical research strategy and studies for new therapies and new technologies in the field of coronary angioplasty.
- Responsible for US clinical trials for coronary stents.
- Managing relationships with key opinion leaders.
- Organizing scientific and medical advisory boards.
- 7 direct reports.

May 1992- Jan 1997

Worldwide Research Manager for Interstim Venture
Focus on treatment of pelvic disorders, including urinary and fecal voiding dysfunction and incontinence.
Responsible for:

- Defining and implementing Interstim research strategy.
- Investigating and evaluating new therapies or techniques.
- Investigating mode of actions of Interstim therapies.
- Supervising product development.
- Managing, defining and running several research and clinical feasibility projects for Interstim and other Corporate Ventures.
- Managing patent portfolio.
- Establishing or reinforcing relationships with key opinion leaders.
- Negotiating and managing consulting, research and clinical agreements.
- Providing scientific and surgical support to customers, sales force, technical personnel and scientists.
- Leading the European clinical and business organizations for 1 year until a business manager was hired.

May 1992- April 1993

Clinical Research Associate at the Bakken Research Center

- Project leader in the research program for the treatment of fecal incontinence by dynamic muscle plasty (design of sensors, leads, ...).
- Development of intramural colonic electrode to measure bowel content.
- Project leader in the design of a new peripheral nerve stimulation and detection electrode for chronic use.
- Project leader on the research of an intra-muscular lead with enhanced infection resistance

Research 1981 – 1992

April 1990 - May 1992

Research Assistant at the Department of Mechanical Engineering (University of Illinois at Chicago)

- Design of graphical interactive software to size and select servomotors. Work in collaboration with Pr. S. Cetinkunt (UIC), for the American Company ORMEC.

September 1988 - April 1992

Senior Research Associate at Pritzker Institute of Medical Engineering *(IIT Chicago)*

Sponsored by the French Government under a competitive research grant: "Bourse Lavoisier".

- Measurement of the moment of inertia of the human body about the ankle (collaboration with Prof. Jaeger).
- Closed-loop control and antero-posterior sway during standing by FNS in paraplegic patients (collaboration with Prof. Jaeger).
- Participation at the FES clinic program for standing paraplegic patients. Collaboration with Pr Jaeger, and the Rehabilitation Institute of Chicago.
- Evaluation of new conductive composite polymer materials for implantable neuromuscular stimulation electrodes (collaboration with Pr. Troyk).
- Evaluation of muscle activity at the ankle to control body sway during quiet stance. (Pr. Jaeger, Prof. Agarwal).

July 1984 - September 1988

Associate physician in the research department of PROPARA

(Center for treatment and rehabilitation of spinal cord injuries)

Clinical implementation of transcutaneous Functional Electrical Stimulation

Performed and achieved research program on:

- Spasticity modeling and assessment by muscle stiffness measurement with torque and goniometric sensors.
- Spasticity evaluation by goniometric data computation.
- Computerized assessment of sub-lesional muscles force and fatigue with transcutaneous stimulation.
- Studies of "artificial gait" of paraplegic patients with the "walking machine".
- Standing with F.E.S. in paraplegic patients.
- Testing of closed-loop control of knee position on paraplegics' patients by transcutaneous stimulation (swing and stance phases).
- Bladder volume algorithmic software evaluation for echotomography.
- Evaluation of paraplegic muscles characteristics with biopsy and assessment of spasticity, spasms, force and fatigue with F.E.S. Effects of F.E.S on muscle characteristics.

October 1981 - September 1988

INSERM U103

("Motor apparatus and handicap" Research Unit directed by Pr. RABISCHONG)

- Electrical Vascular Embolization with D.C. (1981-1982)
- Realization of an Asymmetric Radial Field Nerve Electrode for unidirectional fascicular functional stimulation (1982-1983)
- Closed loop control of ankle position in animal by stimulation of two antagonistic muscle nerves (1983-1984)
- Rachidian roots stimulation for hip motion control (1983)
- Development of master-slave active orthosis with Régie Renault and automatic gait control software (1981-1987)
- Design of a two-channel transcutaneous microprocessor controlled stimulator for muscle restrenghtening.
- Design of a four-channel transcutaneous microprocessor controlled stimulator for muscle restrenghtening and standing.

-