

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIOFRONTERA INC., BIOFRONTERA BIOSCIENCE GMBH,
BIOFRONTERA PHARMA GMBH, and BIOFRONTERA AG
Petitioner,

v.

SUN PHARMACEUTICAL INDUSTRIES, INC.
Patent Owner.

Case No. IPR2024-01312
Patent 11,697,028

**DECLARATION OF BRIAN LARIVEE IN SUPPORT OF
PRO HAC VICE MOTION**

I, Brian Larivee, hereby declare as follows:

1. I am an attorney with the law firm Polsinelli PC, counsel for Petitioner Biofrontera Inc., Biofrontera Bioscience GmbH, Biofrontera Pharma GmbH, and Biofrontera AG (collectively, “Petitioner”). This declaration is made in support of Petitioner’s Motion for *Pro Hac Vice* Admission of Brian Larivee Under 37 C.F.R. § 42.10(c). This declaration is made on my own personal knowledge, except as otherwise indicated.

2. I am a member in good standing of the State Bar of Massachusetts (Bar No. 673978).

3. I have never been suspended nor disbarred from any court or administrative body.

4. No application for admission to practice before any court or administrative body that I have filed or that has been filed on my behalf has ever been denied.

5. No sanctions or contempt citations have been imposed on me by any court or administrative body.

6. 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.

7. I agree to be subject to 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).

8. I have practiced patent litigation for over fifteen years and am familiar with the subject matter in this proceeding. In that time, I have gained experience conducting technical infringement and validity analysis, working with technical experts to prepare reports on infringement and validity issues, deposing technical experts and fact witnesses, briefing and arguing claim construction issues, preparing for *Markman* hearings, drafting dispositive motions on a range of technical issues, and representing clients in patent litigation and hearings before Federal District Courts, Federal Appeals Courts, the International Trade Commission.

9. I have spent substantial time reviewing U.S. Patent No. 11,697,028 (“the ’028 Patent”) and the related filings in this IPR proceeding. I have done substantial work in the underlying ITC proceeding involving the ’028 Patent and assisted in the preparation of this and related proceedings. Additionally, I am aware of the relevant case law and validity issues in the instant proceeding and, more generally, the patent laws of the United States of America.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 11, 2025

Respectfully submitted,

/Brian Larivee/

Brian Larivee

Polsinelli PC

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