IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

BABYBJÖRN AB,
Petitioner,

v.

THE ERGY BABY CARRIER, INC.,
Patent Owner.

Inter Partes Review No. IPR2025-00110
U.S. Patent No. 11,786,055

DECLARATION OF ELLIOT HALES IN SUPPORT OF BABYBJÖRN AB'S MOTION FOR *PRO HAC VICE* ADMISSION OF ELLIOT HALES UNDER 37 C.F.R. § 42.10(c)

I, Elliot Hales, declare as follows:

1. I am an attorney licensed to practice law in the state of Utah.

2. I am a member of good standing of the Bar of the state of Utah.

3. I am also admitted to practice before the U.S. District Courts for the Districts of Utah, Northern and Central Districts of California, Colorado, and Western District of Texas.

4. I am a member in good standing in all jurisdictions where I have been admitted to practice.

5. I have never been suspended or disbarred from practice before any court or administrative body.

6. I have never had an application denied for admission to practice before any court or administrative body.

7. I have never had any sanctions or contempt citations imposed 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 the C.F.R.

9. I agree to be subject to the USPTO Rules of Professional Conduct 37 C.F.R. §§ 11.101 *et seq*. and disciplinary jurisdiction under 37 C.F.R. §11.19(a).

10. I am a Partner at the law firm of Dorsey & Whitney, LLP ("Dorsey") and am counsel of record for Petitioner, BabyBjörn AB ("BabyBjörn") in the related district court litigation, *The Ergo Baby Carrier, Inc. v. BabyBjörn AB*, No. 6:24-cv-0083 (W.D. Tex.)

("W.D. Tex. Litigation"). I joined Dorsey as an Associate in 2018.

11. I am a litigation attorney with specific experience in patent law and patent law litigation. I have represented clients in numerous patent infringement actions across the country. I have represented Petitioner BabyBjörn in three patent disputes in district courts and at the USITC.

12. I have not applied to appear *pro hac vice* in any proceedings before the United States Patent and Trademark Office in the last three (3) years.

13. I have an established familiarity with the subject matter at issue in this proceeding. I have familiarity with the subject matter at issue in this proceeding and in the related W.D. Tex. Litigation in which U.S. Patent No. 11,786,055 was asserted by the Patent Owner in February 2024. Since that time, I have closely studied the asserted patent, participated in discovery related to the same, and am engaged in claim construction efforts for the terms of the foregoing patent in the W.D. Tex. Litigation. I have acquired substantial understanding of the underlying issues at stake in this matter.

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 patents at issue.

Dated: October 29, 2024

Respectfully submitted,

/s/ Elliot J. Hales

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Counsel for BabyBjörn AB

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the below date, I caused the forgoing to be served by electronic mail to the following:

Erise IP, P.A.
7015 College Blvd., Ste 700
Overland Park, KS
UNITED STATES

Date: 10/29/2024 *<u>/s/Mark A Miller</u>*