UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.,
Petitioner

v.

MOSKOWITZ FAMILY LLC,
Patent Owner

Case No. IPR2026-00265
Patent No. 10,064,738

PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE TODD S. WERNER AS A PROVISIONALLY RECOGNIZED PTAB ATTORNEY ELIGIBLE FOR AUTOMATIC *PRO HAC VICE* ADMISSION AS BACK-UP COUNSEL PURSUANT TO 37 C.F.R. § 42.10

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Pursuant to 37 C.F.R. § 42.10(c)(2), Patent Owner Moskowitz Family LLC ("Patent Owner") respectfully files a notice of intent to designate Todd S. Werner as a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission as backup counsel in this proceeding. The facts, supported by the attached Declaration of Todd S. Werner in Support of Notice of Intent to Designate a Provisionally Recognized PTAB attorney as Back-up Counsel ("Werner Decl.") (Ex. 2016), establish Mr. Werner is a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission in this proceeding.

Lead Counsel for Patent Owner, Eric A. Zelepugas, is a registered practitioner (Reg. No. 73,302) and experienced in *inter partes* proceedings in the USPTO. Proposed backup counsel, Todd Werner, is not a registered practitioner with the USPTO but has been admitted to appear *pro hac vice* in *inter partes* review proceedings before the USPTO, including IPR2021-00625, IPR2016-00264, IPR2016-00263, IPR2016-00262, IPR2016-00260, IPR2016-00259, and IPR2016-00256. Werner Decl. ¶ 5. Werner has also recently been designated as a provisionally recognized PTAB attorney in post grant review proceeding PGR2025-00041 and *inter partes* review proceedings IPR2026-00121, IPR2026-00124, IPR2026-00162, IPR2026-00163, IPR2025-01342, and IPR2025-01383. *Id*. Mr. Werner has never been denied permission to appear *pro hac vice* in a Board proceeding. *Id*.

Mr. Werner is admitted to the bar of the State of Minnesota, remains in good standing, and has never been suspended or disbarred by any court or administrative body. Decl. ¶¶ 3-4. He has never had an application for admission to practice before any court or administrative body be denied, and he has never by subjected to sanctions or contempt. *Id.* at 4.

Mr. Werner has read and will comply with the Office Patent Trial Practice Guide and the Board's Rules for Practice for Trials set forth in part 42 of 37 C.F.R. *Id*. at ¶ 5. He also acknowledges and agrees 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). *Id*.

Mr. Werner also represents Moskowitz Family LLC in connection with the pending district court actions in which U.S. Patent No. 10,064,738 has been asserted, including *Moskowitz Family LLC v. Medtronic, Inc. et. al*., No. 0:25-CV-00769-PJS-DLM (District of Minnesota). Decl. ¶ 6. Based on his involvement in these proceedings, Mr. Werner has considerable working knowledge of the '738 patent and has established familiarity with both the law and facts at issue in this proceeding. *Id*.

For the foregoing reasons, Patent Owner respectfully files a notice of intent to designate Todd S. Werner as a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission in this proceeding.

Patent Owner will file updated mandatory Notices in the referenced proceeding in accordance with 37 C.F.R. § 42.8(b)(3), identifying Mr. Werner as backup counsel.

Dated: August 25, 2026

Respectfully submitted,
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE TODD S. WERNER AS A PROVISIONALLY RECOGNIZED PTAB ATTORNEY ELIGIBLE FOR AUTOMATTIC *PRO HAC VICE* ADMISSION AS BACK-UP COUNSEL PURSUANT TO 37 C.F.R. § 42.10** and **DECLARATION OF TODD S. WERNER IN SUPPORT OF PATENT OWNER'S NOTICE OF INTENT TO DESIGNATE TODD S. WERNER AS A PROVISIONALLY RECOGNIZED PTAB ATTORNEY ELIGIBLE FOR AUTOMATTIC *PRO HAC VICE* ADMISSION AS BACK-UP COUNSEL PURSUANT TO 37 C.F.R. § 42.10** was served electronically via e-mail on August 25, 2026, in its entirety on the following counsel of record for Petitioner:

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