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

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

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I, Todd S. Werner, declare as follows:

1. I am a Partner and Founder at Avantech Law LLP ("Avantech"). As described in greater detail below, I satisfy all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

2. For over twenty years I have practiced law as a patent litigator at intellectual property law firms. In that time I have been involved in numerous patent litigations in federal court, and I am well acquainted with the laws governing patentability.

3. I am a member in good standing of the Minnesota State Bar (Bar. No. 033019X). I am also admitted to practice in the United States District Court for the District of Minnesota, and the United States Court of Appeals for the Federal Circuit.

4. 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. I acknowledge and agree that I will 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).

5. I have previously applied for *pro hac vice* admission before the Office, and have previously been recognized *pro hac vice* in the following IPR proceedings: IPR2021-00625, IPR2016-00264, IPR2016-00263, IPR2016-00262, IPR2016-00260 IPR2016-00259, IPR2016-00256 (which includes all proceedings in which I have

applied to appear *pro hac vice* before the USPTO within the last three years). I have recently been designated as a provisionally recognized PTAB attorney for Post Grant Review proceeding PGR2025-00041 and *Inter Partes* Review proceedings IPR2026-00121, IPR2026-00124, IPR2026-00162, IPR2026-00163, IPR2025-01342 and IPR2025-01383. I have never been denied permission to appear *pro hac vice* in a Board proceeding.

6. I am counsel of record in one related litigation in United States District Court involving U.S. Patent No. 10,064,738, including *Moskowitz Family LLC v. Medtronic, Inc. et. al*., No. 0:25-CV-00769-PJS-DLM (District of Minnesota).

7. I have never been suspended or disbarred from practice before any court or administrative body. No application of mine for admission to practice before any court or administrative body has ever been denied. No court or administrative body has imposed sanctions or contempt citations against me.

8. 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.

9. I executed this declaration on August 25, 2026, in Minneapolis, Minnesota.

Dated: August 25, 2026

Respectfully submitted,

/Todd S. Werner/
Todd S. Werner