

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCE MEDICAL DESIGNS, INC.

Petitioner,

v.

CORBIN CLINICAL RESOURCES, LLC

Patent Owner.

Case No. PGR2023-00041

U.S. Patent No. 11,547,436

DECLARATION OF NICO EELBODE

1. I have been retained by counsel for Advance Medical Designs, Inc. (“Petitioner”) in connection with the proceeding identified above. I have been asked to provide personal knowledge regarding BK Medical, an international company that designs and sells medical equipment, including ultrasound transducers (i.e., probes) for various medical procedures.

2. I have a Masters Degree in computer science from KIH Oostende. I also have a Masters Degree in Medical Science from KUL Leuven. After a year of academic research, I entered the private sector. I started at Hewlett Packard as a sales rep and later as a country manager.

3. In 1998, I began working for BK Medical Benelux. In 2003, I started my own company, Mepy Benelux, which distributed BK Medical products. Mepy Benelux was associated with Mephy System, a French company who distributed BK Medical device for around 25 years, ending in 2020. In 2013, after an asset acquisition, Mepy Benelux began a partnership with a company called LeapMed and later Advance Medical Designs, Inc. (“Advance Medical”) in relation to their medical ultrasound products and accessories. Through my work at BK Medical and as a distributor of BK Medical products since 1998, I’m well versed in BK Medical’s products, practices, and history.

4. BK Medical began as Brüel & Kjær in 1942. The BK Medical division dates to the 1960's. The company's name was changed to BK Medical around 2000 by its then parent company, Analogic Corporation.

5. BK Medical's product line includes transrectal ultrasound probes and accessory devices for use in transperineal prostate biopsies.

6. I'm familiar with the BK Medical Endorectal Biplane Transducer Type 8808e ("8808e Transducer"). I understand the user guide for the 8808e Transducer is attached to Advance Medical's Petition as EX1007. The 8808e Transducer was available around June 2012.

7. Since my time with BK Medical, it has been an industry leader in the design and sales of medical equipment, including the Type 8808e ultrasound probe described in EX1007. During the time I worked for and with BK Medical, its devices were used prominently in Europe. For example, BK Medical devices were used in around 600 institutions in France and were prominently sold in Germany. In Skandinavia, BK Medical holds a 90% share of the market for ultrasound devices.

8. Since at least 2012, BK Medical routinely published its user guides and other product information for its products on its website. BK Medical made available links to download the current user guide for any product, typically in

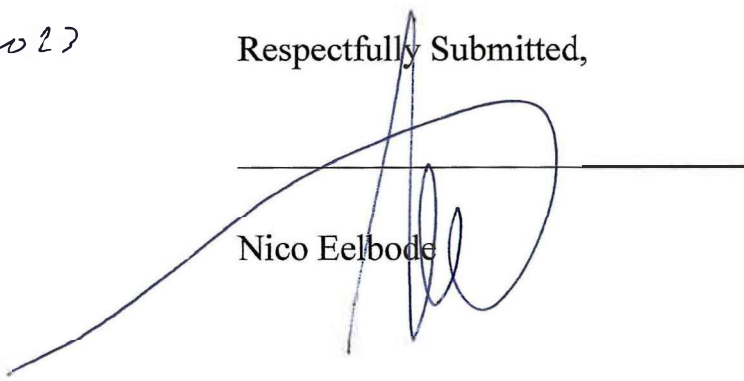
Adobe PDF form. This was BK Medical's routine business practice during the time I worked there and distributed BK Medical products. EX1007 contains the Type 8808e Transducer user guide that was available on BK Medical's website beginning in June 2012.

9. 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 that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated:

11 / June 2023

Respectfully Submitted,


Nico Eelbode