

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CATALYST ORTHOSCIENCE INC.,

Petitioner,

v.

SHOULDER INNOVATIONS, INC.,

Patent Owner.

Case PGR2024-00042

Patent 11,771,561

**DECLARATION OF JOHN F. BENNETT IN SUPPORT
OF PETITIONER'S MOTION FOR
ADMISSION *PRO HAC VICE***

37 C.F.R. § 42.10

I, John F. Bennett, declare as follows:

1. I have been a member in good standing of the Bar of the State of Ohio since my admission in January 2002.

2. I have no suspensions or disbarments from practice before any court or administrative body.

3. No application for my admission to practice before any court or administrative body has ever been denied.

4. No sanctions or contempt citations have ever been imposed against me by any court or administrative body.

5. 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.

6. I submit to the 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).

7. In the last three years, I have applied to appear *pro hac vice* in four other proceedings before the Board: *Deere & Company v. ESCO Group LLC*, IPR2022-00186; *Deere & Company v. ESCO Group LLC*, IPR2022-00187; *Carrier Fire & Security Americas Corporation v. SentriLock, LLC*, IPR2021-00664; and *Carrier Fire & Security Americas Corporation v. SentriLock, LLC*, IPR2021-00665.

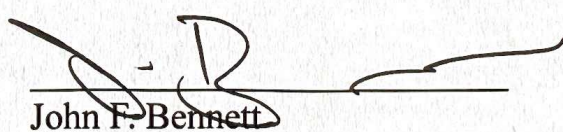
8. I am familiar with and knowledgeable about the patent laws and rules. I have appeared as counsel of record in more than 50 patent litigations in federal

district court and the International Trade Commission. I am also the Chair of the Intellectual Property Litigation Committee of the Cincinnati Bar Association and serve as an adjunct faculty member of the University of Cincinnati College of Law.

9. I am familiar with the subject matter at issue in the proceeding. Without waiving the attorney-client privilege or disclosing work product, I have been substantially involved with this proceeding and the preparation of the petition for post grant review. I have reviewed and am familiar with the challenged patent, U.S. Patent No. 11,771,561 ("the '561 Patent"), the prior art to the challenged patent, and the references relied upon in Petitioner Catalyst OrthoScience Inc.'s petition, PGR2024-00042. I have worked closely with Petitioner's expert T. Wade Fallin, M.S. regarding the prior art and the subject matter at issue. I also have reviewed and am familiar with the prosecution history of the '561 Patent, including the other applications in the patent's family. I am also lead counsel in the co-pending litigation, *Shoulder Innovations, Inc. v. Catalyst OrthoScience Inc.*, C.A. No. 24-266-JPM (D. Del.), which involves the same patent at issue in the petition.

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

Executed on October 15, 2024


John F. Bennett

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 15, 2024, a true copy of the foregoing Declaration of John F. Bennett in Support of Petitioner's Motion for Admission *Pro Hac Vice*, including all papers filed therewith, was served upon the following counsel of record via email:

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Dated: October 15, 2024

/ Paul M. Ulrich/
Paul M. Ulrich (Reg. No. 46,404)