UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Milwaukee Electric Tool Corporation,

Petitioner,

v.

Klein Tools, Inc.,

Patent Owner.

PGR2025-00048

Patent No. 12,187,573

DECLARATION OF SCOTT D. SHERWIN IN SUPPORT OF PETITIONER'S NOTICE OF INTENT TO DESIGNATE SCOTT D. SHERWIN 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

I, Scott D. Sherwin, declare as follows:

1. I am a Partner at Morgan, Lewis & Bockius LLP ("Morgan Lewis"). I joined Morgan Lewis as an intellectual property litigation associate in March 2011 after serving for four years as an associate at Howrey LLP. In October 2017, I was promoted to Partner. 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. While at Howrey LLP and since joining Morgan Lewis, I have primarily focused my practice on patent litigation. In that time, I have gained experience conducting technical infringement and validity analysis, working with technical experts to prepare reports on infringement and validity issues, preparing for depositions of technical experts and fact witnesses, briefing claim construction issues, preparing for *Markman* hearings, drafting dispositive motions on a range of technical issues, and representing clients in patent litigation trials and hearings before district courts around the country. Further, I have assisted my colleagues at Morgan Lewis in proceedings before the Board, and I am familiar with its established practices.

3. I am a member in good standing of the Illinois State Bar (Bar. No. 6293788). I am also admitted to practice in the United States Court of Appeals for

the Federal Circuit, and the United States District Courts for the Northern District of Illinois, as well as the Western District of New York, the Eastern District of Texas and the Eastern District of Wisconsin.

4. 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.

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. 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).

6. I have previously applied for *pro hac vice* admission before the Office, and have previously been recognized *pro hac vice* in a Board proceeding in the following IPR proceedings: IPR2020-00264, IPR2020-00265, IPR2020-00274, IPR2020-00275, IPR2024-01400, and IPR2024-01401. I have also not been subsequently denied permission to appear *pro hac vice* in a Board proceeding.

7. I have established familiarity with the subject matter at issue this proceeding. In 2004 I graduated from the University of Notre Dame with a

Bachelor of Science in Mechanical Engineering. I have reviewed in detail and am familiar with U.S. Patent No. 12,187,573 and all exhibits relied upon by Petitioner in this proceeding. I will engage in extensive strategic and substantive discussions regarding this proceeding with Alexander B. Stein, who is a registered practitioner and the lead counsel for Petitioner in this proceeding.

9. 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.

10. I executed this declaration on May 28, 2025, in Chicago, Illinois.

Dated: May 28, 2025

Respectfully Submitted,

/ Scott D. Sherwin /
Scott D. Sherwin

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), lead counsel for Petitioner hereby certifies that on May 28, 2025, a copy of this DECLARATION OF SCOTT D. SHERWIN IN SUPPORT OF PETITIONER'S NOTICE OF INTENT TO DESIGNATE SCOTT D. SHERWIN 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 served via email to Patent Owner's counsel of record in this proceeding:

W. Todd Baker (todd.baker@kirkland.com)

Alan M. Rabinowitz (alan.rabinowitz@kirkland.com)

KleinTools_IPR@kirkland.com

Dated: May 28, 2025

Respectfully submitted,

/ Alexander B. Stein /
Alexander B. Stein, Reg. No. 71,397