

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALVOTECH USA INC. AND ALVOTECH HF,
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

PGR2025-00085
Patent 12,168,036

DECLARATION OF NITIKA GUPTA FIORELLA

I, Nitika Gupta Fiorella, hereby declare to the following:

1. I am a member in good standing of the state Bar of Delaware (SBN: 5898), as well as the U.S. District Court for the District of Delaware, United States Court of Appeals for the Third Circuit, United States Court of Appeals for the Federal Circuit, and the Supreme Court of the United States, among other courts.
2. I have not been suspended or disbarred from practice before any court or administrative body.
3. I have never had an application for admission to practice before any court or administrative body denied.
4. No sanction or contempt citation has 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 Title 37 of the Code of Federal Regulations.
6. I will be subject 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. I am a provisionally recognized PTAB attorney. I have been previously recognized *pro hac vice* before the Patent Trial and Appeal Board in IPR2018-00992 and IPR2018-00993.

8. I am an experienced patent litigation attorney with more than 10 years of experience representing clients in cases involving a wide variety of medical devices, pharmaceuticals, oil and gas technology, software, automotive design and innovation, and polymer chemistry. I regularly litigate patent cases before the United States Court of Appeals for the Federal Circuit, U.S. Supreme Court.

9. I am intimately familiar with the issues and subject matter presented in this above-captioned post grant review proceeding. For example, I have extensively reviewed the above identified patent, its prosecution history, the Petition for PGR (including the invalidity grounds therein, and the cited references), and all exhibits filed in this case.

10. I have satisfied all requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

11. 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 were 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.

Respectfully submitted,

Date: May 27, 2026

/Nitika Gupta Fiorella/

NITIKA GUPTA FIORELLA

Fish & Richardson P.C.

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APPENDIX A



Nitika Gupta Fiorella

Principal
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302 778 8461
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Overview

Clients look to Nitika Gupta Fiorella for guidance at all stages of litigation, from the earliest days of a dispute through trial and appeal. As co-leader of Fish & Richardson's award-winning appellate practice, she works to ensure that the firm's clients are best prepared to make their case at the Federal Circuit. In addition, she serves as the managing group leader of the firm's Litigation Practice Group, where she focuses on advancing the professional development of Fish's 200+ litigators.

Nitika frequently represents clients in a variety of forums, including district courts across the country, the Patent Trial and Appeal Board (PTAB) and the Federal Circuit. Her experience spans a wide range of technologies, including medical devices, pharmaceuticals, oil and gas technology, software, automotive design and innovation, polymer chemistry, and more.

Nitika maintains a robust appellate practice in which she has led dozens of appeals, arguing, and winning, many of them before the Federal Circuit. In 2020, she argued the first-ever Federal Circuit telephonic appellate argument after the Covid-19 pandemic forced court appearances online, ultimately securing a summary affirmance for her client. More recently, she led the appeal for a major chemical company in which she secured an outright reversal of a PTAB decision at the Federal Circuit – a result that occurs in less than five percent of PTAB appeals.

As a former Federal Circuit clerk, she has a keen understanding of the complexities involved with intellectual property appeals and how best to tackle them. She applies these insights to give her clients the best odds of success, which means thinking about and preparing for appellate issues well before an appeal is ever docketed. Nitika is particularly noted for her ability to distill a vast amount of information and evidence into concise, relevant, and compelling appellate briefs and arguments.

Nitika previously served as law clerk for the Honorable Kent A. Jordan of the U.S. Court of Appeals for the Third Circuit (2014-2015) and for the Honorable Chief Judge Sharon Prost of the U.S. Court of Appeals for the Federal Circuit (2015-2016). Prior to attending law school at New York University, Nitika attended the University of Delaware as a Eugene DuPont Scholar, where she obtained dual degrees in chemical engineering and political science. She is also fluent in Hindi.

Dedicated to supporting the professional growth of early career attorneys, Nitika serves as a mentor in Fish's EMPOWER women's initiative. She is the co-chair of the Federal Trial Practice Seminar, a multi-week instructional trial practice program sponsored by the U.S. District Court for the District of Delaware and the District of Delaware Chapter of the Federal Bar Association. Nitika also serves on the board of directors of the South Asian Bar Association of Delaware.

In her leisure time, Nitika can be found cheering on all the Philadelphia sports teams or concocting interesting cocktails as an amateur mixologist.

Experience

- *Confidential Client:* The Fish team represented a major chemical company as patent owner in a litigation involving two patents related to a copolymer used to coat plenum wire cables. Fish filed the litigation against the client's main competitor in 2018. The litigation was stayed pending *inter partes* review, where the PTAB first found the claims unpatentable. Nitika led the effort on appeal, where she was able to secure a rare reversal of the PTAB's decision at the Federal Circuit and revive the patents. Back in district court, the Fish team carried the client through favorable Markman rulings, including on the key term upon which the plaintiff's noninfringement argument relied. The parties litigated up to the eve of trial before entering into a favorable settlement agreement for Fish's client.
- *Confidential Client:* The Fish team represented an oil and gas company in a patent litigation where it significantly reduced their client's damages exposure by eliminating two key patents through IPRs and persuading the court to strike the patentee's damages expert from the case. After Nitika successfully defended the PTAB wins at the Federal Circuit, the case went to trial in November 2021. There, Fish was able to fend off a damages ask of hundreds of millions of dollars, allowing the patentee less than 5% of its total ask. The case is currently on appeal at the Federal Circuit.
- *Confidential Client:* The Fish team won two high-profile, precedential decisions at the Federal Circuit for a leading pharmaceutical manufacturer. In both wins, Fish convinced the court to reinstate the \$235 million jury verdict Fish obtained for the client in June 2017 for induced infringement of the client's heart disease drug.
- *Confidential Client:* The Fish team represented a clinical-stage biopharmaceutical company before the PTAB and Federal Circuit, where it was able to secure the client's status as the first inventor of a breakthrough oral drug for patients suffering from low testosterone. The client's competitor claimed that it was the first to invent such a drug, and pointed to its earlier patent application as support. Fish filed an interference to settle this priority dispute, and the PTAB agreed with Fish that its client invented the testosterone drug before the competitor, rendering the competitor's patents invalid. On appeal, Nitika argued in the first-ever COVID-forced telephonic oral argument held by the Federal Circuit, where she convinced the Court to summarily affirm the PTAB's finding.
- *Confidential Client:* The Fish team defended a major chemical company against a patent litigation suit related to a process for making a specific kind of refrigerant. After securing key wins during claim construction, and on the eve of summary judgment briefing, the parties entered into a favorable settlement agreement for Fish's client.
- *Parallel Networks Licensing LLC v. Microsoft Corp.* (D. Del.): The Fish team defended Microsoft in a suit brought by Parallel Networks, alleging patent infringement of two patents by Microsoft's Windows Server and Windows SharePoint products, Azure Web Apps, and the Microsoft.com, Bing, and MSN websites. After a four-day trial, the jury returned a verdict for Microsoft in under one hour, finding non-infringement on every claim. Fish then successfully defended their win on appeal at the Federal Circuit.

Testimonials

- "[Nitika's] technical ability, her writing, and her critical thinking is just superb. She has such a wonderful client relationship. She is a superstar, and I just want to make that known." — Client Testimonial
- "Nitika Fiorella's strengths are that she is very good at briefing and arguing legal points and motions." — Client Testimonial

Recognitions & awards

Lawyer on the Fast Track

Legal Intelligencer 2026

Ones to Watch

Best Lawyers 2022-2025

40 Under 40

Philadelphia Business Journal 2021

DBT40 List

Delaware Business Times 2021

Professional associations

South Asian Bar Association of Delaware, Board Member (2017-present), President (2022-2025)

Innocence Delaware, Board Member

Third Circuit Lawyers Advisory Committee, Chair (2022-2023), Vice Chair (2021-2022)

Pro bono activities

As a founding board member of Innocence Delaware, Nitika devotes considerable time to furthering its mission of exonerating those who have been wrongfully convicted in the state. She is currently seeking relief for a pro bono client who has been imprisoned for over 20 years.

Nitika's pro bono practice also includes working alongside Immigration Equality to promote justice and equality for LGBTQ and HIV-positive immigrants. Since 2015, she has represented a South American client who is seeking asylum in the U.S. after facing persecution in his home country for his sexual orientation.

Insights

Blog | May 7, 2026

Teva v. Lilly: Conflicting Positions at PTAB and District Court Sink Patent Challenge

Article | July 23, 2025

Brimonidine Alone: How Patent Applicants Can Shape the Scope of Their Claims

Blog | June 16, 2025

Ingenico v. IOENGINE and the Diminishing Role of *Sotera* Stipulations

Blog | May 23, 2025

En Banc Federal Circuit Grants Google a New Trial in *EcoFactor* Case

Blog | February 10, 2025

The Most Interesting Appellate Cases of 2024

Webinar | September 18, 2024

Post-Grant Appeals: Stats and Key Cases From the Federal Circuit

Article | June 28, 2024

'A More Centralized Way': Am Law 100 Firm Formalizes Appellate Group

Webinar | February 14, 2024

Federal Circuit 2023 Year in Review

Post-Grant Report | January 17, 2024

2023 Post-Grant Annual Report

Blog | December 4, 2023

Amended FRE 702 on Expert Testimony Effective December 1, 2023

Webinar | August 9, 2023

Drafting Claims to Survive Hatch-Waxman Litigation

Post-Grant Report | February 28, 2023

2022 Post-Grant Annual Report

News

Media Coverage | April 20, 2026

Appellate Practice Co-Leader Nitika Fiorella on Mentorship and the Moments That Shaped her Career

Law360

News | April 17, 2026

Principal Nitika Gupta Fiorella Named Lawyer on the Fast Track in 2026 Pennsylvania Legal Awards

Media Coverage | February 11, 2026

Principal Nitika Gupta Fiorella Provides Insight on Substantial Similarity in Design Patent Law

Law360

News | January 12, 2026

Fish & Richardson Announces Key Leadership Appointments in Munich Office and Litigation Group

News | August 15, 2024

101 Fish Attorneys Included in the 2025 Edition of *The Best Lawyers in America*

Media Coverage | June 14, 2024

Streamlined Success: Principals Lauren Degnan and Nitika Gupta Discuss Formalizing Appellate Group

The National Law Journal

News | June 12, 2024

Fish & Richardson Codifies Nationally Recognized Appellate Experience into Appellate Group

News | August 17, 2023

101 Fish Attorneys Included in the 2024 Edition of *The Best Lawyers in America*

News | August 22, 2022

96 Fish Attorneys Included in the 2023 Edition of *The Best Lawyers in America*

News | September 7, 2021

Nitika Fiorella Selected for *Delaware Business Times* 2021 DBT40 List

News | August 19, 2021

Fish Attorneys Recognized in 2022 Edition of *The Best Lawyers in America*

News | June 23, 2021

Four Fish & Richardson Principals Named 2021 "Women Worth Watching in STEM" by *Profiles in Diversity Journal*

News | May 21, 2021

Philadelphia Business Journal Recognizes Fish & Richardson Principal Nitika Gupta Fiorella in its 2021 "40 Under 40" List

News | January 5, 2021

Fish & Richardson Elevates Its Most Diverse Principal Class Ever

Media Coverage | November 12, 2020

Principals Riqui Bonilla and Nitika Gupta Fiorella Discuss Empowering Future Litigation Leaders Through Next Gen Initiative

Corporate Counsel Business Journal

Media Coverage | April 23, 2020

Remote Court Arguments Pose Challenges, New Routines for Lawyers

Bloomberg Law

News | March 14, 2019

Fish & Richardson Attorneys Kenneth Darby and Nitika Gupta Fiorella Selected for LCLD's 2019 Pathfinder Program

Events

September 28, 2023

2023 Midwest Intellectual Property Institute

September 21, 2023

District of Delaware 2023 Bench & Bar Conference

September 29, 2022

2022 Midwest IP Institute

June 15, 2022

Consero Global IP Management Forum 2022

March 15, 2022

European Summit on Pharma and Biotech Patent Litigation

April 13, 2021

2021 American Bar Association - Intellectual Property Law Section Annual Meeting

November 16, 2020

Richard K. Herrmann Technology Inn of Court

September 16, 2020

Philadelphia Intellectual Property Law Association's (PIPLA) September Meeting

May 9, 2018

Happy Birthday *TC Heartland* from Fish Delaware: A Review

Additional insights

Publications

- [“PTAB reversals at Federal Circuit: how counsel snap rare wins,”](#) *Managing Intellectual Property* (September 2, 2021)
- [“Federal Circuit Faces Pressure From Four Directions in New Year,”](#) *Bloomberg Law* (December 2020)

Speaking engagements

- “Richard K. Herrmann Technology Inn of Court” (November 2020)
- Selected to participate in the Delaware Federal Trial Practice Seminar, an intensive litigation seminar sponsored by the U.S. District Court for the District of Delaware

Media mentions

- [“‘Rigged’ Patent Board Allegations Have High Bar, Attorneys Say,”](#) *Bloomberg Law* (September 27, 2022)
 - [“Federal Circuit’s Patent Power on the Line in Full Rehearing Bid,”](#) *Bloomberg Law* (August 10, 2022)
 - [“Justices Reject Daikin Challenge To Chemours’ IP Case Win,”](#) *Law360* (March 28, 2022)
 - “What makes this case different? A rare patent owner win on secondary indicia,” *Berkeley Center for Law & Technology’s Expert Podcast Series* (August 10, 2021)
 - “Detroit Partnerships Aim to Bring Practical Law Education to More High School Students,” *StreetLaw Inc.* (June 9, 2021)
 - [“Remote Court Arguments Pose Challenges, New Routes for Lawyers,”](#) *Bloomberg Law* (April 23, 2020)
 - [“Lessons From 1st Attys To Argue At The Fed. Circ. By Phone,”](#) *Law360* (April 15, 2020)
 - [“Skilled in the Art: Fish Associate’s First CAFC Argument Poses Extra Challenge,”](#) *Law.com* (April 10, 2020)
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Services

Litigation

Patent Litigation

Appellate

Post-Grant

Inter Partes Review

Industries

Electrical & Computer Technology

Consumer Electronics

Energy & Chemicals
Petrochemical
Life Sciences
Medical Devices
Pharmaceuticals
Manufacturing

Admissions

Delaware (2013)
U.S. District Court for the District of Delaware (2014)
U.S. Court of Appeals for the Third Circuit (2015)
U.S. Court of Appeals for the Federal Circuit (2016)
Supreme Court of the United States (2022)

Languages

English
Hindi

Clerkships

U.S. Court of Appeals for the Federal Circuit, The Honorable Sharon Prost (2015-2016)
U.S. Court of Appeals for the Third Circuit, The Honorable Kent A. Jordan (2014-2015)

Education

J.D., New York University School of Law (2013) Articles Editor, *New York University Law Review*; Robert McKay Scholar; David Friedman Memorial Award
B.S.C.E., Chemical Engineering, University of Delaware (2009) Eugene DuPont Memorial Distinguished Scholar Award
B.A., Political Science, University of Delaware (2009) Best Attorney in Region, Mock Trial Competition; Stanley Jacob Schechter Award