PGR2026-00020
Paragon 28 v. Treace Medical Concepts

Filed: August 6, 2026

Filed on behalf of:
Petitioner Paragon 28, Inc.
By: Ali S. Razai (Reg. No. 60,771)
Benjamin J. Everton (Reg. No. 60,659)
Jacob L. Peterson (Reg. No. 65,096)
Zachary Messick (Reg. No. 77,839)
Brandon G. Smith (provisionally recognized PTAB attorney)
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PARAGON 28, INC.,

Petitioner,

v.

TREACE MEDICAL CONCEPTS, INC.,

Patent Owner.

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Case No. PGR2026-00020
U.S. Patent No. 12,268,428

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**NOTICE OF INTENT TO DESIGNATE A PROVISIONALLY RECOGNIZED PTAB ATTORNEY AS BACK-UP COUNSEL**

Pursuant to 37 C.F.R. § 42.10, Petitioner Paragon 28, Inc. hereby gives notice that it seeks to designate provisionally recognized PTAB attorney Brandon G. Smith as back-up counsel in this proceeding. Mr. Smith satisfies the requirements of a provisionally recognized PTAB attorney eligible for automatic *pro hac vice* admission. *See* 37 C.F.R. §42.10(c)(2)(i). Mr. Smith has previously been recognized *pro hac vice* by order of the PTAB pursuant to a motion of the type described in 37 C.F.R. § 42.10(c)(1) in IPR2023-01460 and IPR2024-00460, and has not subsequently been denied permission to appear *pro hac vice* in any proceeding.

Ali S. Razai (Reg. No. 60,771) shall continue to serve as lead counsel.

This notice is accompanied by certification in the form of a declaration from Mr. Smith certifying that he satisfies the requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney and agrees to be subject to the USPTO Rules of Professional Conduct and the disciplinary jurisdiction.

Petitioner therefore submits that Mr. Smith satisfies all requirements to be deemed admitted *pro hac vice* in this proceeding.

Dated: August 6, 2026

By: */Ali S. Razai/*
Ali S. Razai (Reg. No. 60,771)
MORGAN, LEWIS & BOCKIUS LLP
Attorney for Petitioner
Paragon 28, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below true and correct copies of **NOTICE OF INTENT TO DESIGNATE A PROVISIONALLY RECOGNIZED PTAB ATTORNEY AS BACK-UP COUNSEL AND DECLARATION OF BRANDON G. SMITH** are being served via email pursuant to 37 C.F.R. § 42.6(e), to counsel for Patent Owner as addressed below:

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Dated: August 6, 2026

By: */Jacob L. Peterson/*
Jacob L. Peterson (Reg. No. 65,096)
MORGAN, LEWIS & BOCKIUS LLP

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**DECLARATION OF BRANDON G. SMITH PURSUANT TO 37 C.F.R. §42.10(C)(2)(B)**

I, Brandon G. Smith, declare and state as follows:

1. I am a partner in the law firm of Morgan, Lewis & Bockius LLP and am a member in good standing of the Bar of the State of California. Lead counsel for Petitioner Paragon 28, Inc. ("Paragon 28") in this proceeding is registered practitioner Ali S. Razai, who is a partner in the law firm of Morgan, Lewis & Bockius LLP.

2. I am a provisionally recognized Patent Trial and Appeal Board attorney under 37 C.F.R. §42.10(c)(2). I have been previously recognized *pro hac vice* in the following Board proceedings: IPR2023-01460 and IPR2024-00460 (P.T.A.B.).

3. I have not been subsequently denied permission to appear *pro hac vice* in any proceeding. I have never been suspended or disbarred from practice before any court or administrative body.

4. I satisfy each of the requirements set forth by the Board for *pro hac vice* recognition of a provisionally recognized PTAB attorney.

5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials.

6. I agree to be subject to the United States Patent and Trademark Office 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 have substantive and legal familiarity with the subject matter at issue in this proceeding. I have been a practicing attorney for over 10 years in the areas of patent litigation and patent advisory work. I have studied the field of technology related to the patent challenged in this proceeding as well as its claims, specification, and prosecution history. I am also familiar with the prior art references asserted by Petitioner in this proceeding, and the subject matter and substantive issues therein.

8. This declaration and my opinions are made to the best of my knowledge and understanding and are based on the material available to me at the time of signing this declaration. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, I am aware 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 18 U.S.C. § 1001. I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 6, 2026

*/ Brandon G. Smith /*
Brandon G. Smith