PGR2026-00020
Paragon 28 v. Treace Medical Concepts

Filed: August 17, 2026

Filed on behalf of:
Petitioner Paragon 28, Inc.
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PARAGON 28, INC.,

Petitioner,

v.

TREACE MEDICAL CONCEPTS, INC.,

Patent Owner.

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

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

Paragon 28 v. Treace Medical Concepts
PGR2026-00020
Paragon Ex. 1033

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 previously appeared *pro hac vice* in the following Board proceedings: IPR2023-01460, IPR2024-00460, PGR2026-00017, IPR2026-00194, and PGR2026-00031 (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. No court or administrative body has imposed sanctions or a contempt citation on me. No court or administrative body has ever denied my application to practice before it.

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 17, 2026

/ Brandon G. Smith /
Brandon G. Smith