

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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CANFIELD SCIENTIFIC, INC.,  
Petitioner,

v.

MELANOSCAN, LLC,  
Patent Owner.

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Case IPR2017-02125  
Patent 7,359,748 B1

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**DECLARATION OF THOMAS L. DUSTON**

Canfield Scientific, Inc. - Exhibit 1017 Canfield Scientific, Inc. v. Melanoscan, LLC IPR2017-02125
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## **DECLARATION OF THOMAS L. DUSTON**

I, Thomas L. Duston, declare as follows:

1. I am a partner at the law firm of Marshall, Gerstein & Borun LLP.
2. I have been practicing in the field of intellectual property law, and particularly patent litigation, for thirty years.
3. I am a member in good standing of the Bar of the State of Illinois, and am admitted to practice before the United States Court of Appeals for the Federal Circuit and the United States Court of Appeals for the Seventh Circuit, as well as the United States District Court for the Northern District of Illinois (Trial Bar member) and the United States District Court for the Eastern District of Texas, and I am also admitted to practice *pro hac vice* in a number of other Federal District courts.
4. I have never been suspended or disbarred from practice before any court or administrative body.
5. I have never had an application for admission to practice before any court or administrative body denied.
6. I have never had sanctions or contempt citations imposed upon me by any court or administrative body.

7. I am a member of the American Bar Association, the Intellectual Property Owners Association, the Chicago Bar Association, the Eastern District of Texas Bar Association, and the Seventh Circuit Bar Association.
8. 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 the Code of Federal Regulations.
9. I have read and will abide by and be subject to the U.S. Patent and Trademark Office Code of Professional Responsibility set forth in 37 C.F.R. § 11.101 *et. seq.* and the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a).
10. During the past three years, I have been admitted pro hac vice before the Office in the following inter partes review proceedings: (1) *ACCO Brands v Think Products, Inc.*, Case IPR2015-01167, -01168 regarding U.S. Patent Nos. 8,717,758 and 8,837,144, respectively; (2) *Groupon, Inc. v. Online News Link LLC*, Case IPR2014-01326 regarding U.S. Patent No. 7,181,758, Case IPR2014-01327 regarding U.S. Patent No. 8,457,545, and Case IPR2014-01328 regarding U.S. Patent No. 7,508,789.
11. I am an experienced litigating attorney and am familiar with the subject matter at issue in the proceeding. I am lead counsel in concurrent litigation

involving the same patent as that challenged in this proceeding. That litigation is captioned *Canfield Scientific v. Melanoscan LLC and Dr. Rhett Drugge*, Case No. 2:16-cv-04636-JMV-JBC (D. N. J.). I have read the patent-at-issue, its file history, and the Petition in this proceeding.

12. All statements made herein of my own knowledge are true and 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 18 U.S.C. § 1001.

October 18, 2017

A handwritten signature in black ink, appearing to read "Thomas L. Duston", written in a cursive style.

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Thomas L. Duston